

AGENDA



EUGENE PLANNING COMMISSION

Phone: 541-682-5481
www.eugene-or.gov/pc

McNutt Room—City Hall, 777 Pearl Street
Eugene, OR 97401

The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours notice. To arrange for these services, contact the receptionist at 541-682-5481. Telecommunications devices for deaf assistance are available at 541-682-5119.

TUESDAY, JANUARY 17, 2012 – REGULAR MEETING (11:30 a.m. to 1:30 p.m.)

- 11:30 a.m. I. **PUBLIC COMMENT**
The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, **except for items scheduled for public hearing or public hearing items for which the record has already closed.** Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.
- 11:40 a.m. II. **MULTI-FAMILY CODE AMENDMENTS – Deliberations and Possible Recommendation**
Staff: Alissa Hansen, 541-682-5508
- 1:15 p.m. III. **ITEMS FROM COMMISSION AND STAFF**
A. Other Items from Staff
B. Other Items from Commission

Commissioners: Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Vice Chair;
John Jaworski, Jeffery Mills, Chair; William Randall

AGENDA ITEM SUMMARY

January 17, 2012

To: Eugene Planning Commission

From: Alissa Hansen, Planning Division

Subject: Infill Compatibility Standards for Multi-Family Developments (City File CA 11-2)

ACTION REQUESTED

Deliberate and provide a recommendation to City Council on a package of land use code amendments related to infill compatibility standards for multi-family developments.

BRIEFING STATEMENT

The Planning Commission held a public hearing on December 13, 2011 to consider the proposed land use code amendments. A total of six people provided testimony at the public hearing. Written testimony received immediately prior to and at the public hearing is provided as an attachment. Following the close of the public hearing, the Planning Commission also closed the public hearing record, and identified several questions or requests for further information from staff. Staff responses are provided in an attachment.

BACKGROUND

The purpose of these amendments is to make changes and clarifications to the land use code (Eugene Code Chapter 9) that will help increase neighborhood livability, and implement strategies identified through Envision Eugene. The amendments address the following topics:

- Multi-Family Open Space Standards
- Allowed Intrusions in Required Setbacks
- Driveways and Parking Areas in the University Area
- Garbage and Recycling Screening in University Area
- Compatible Transition between R-1 and R-3/R-4 zone boundaries in the South University Area
- Bicycle Parking

Deliberations

To assist with deliberations, staff has prepared a matrix (see attached) that addresses all specific public input and Planning Commission comments. The matrix includes the pertinent Eugene Code section, the current code provisions, the original draft proposal, public and planning commission comments, and staff's recommendations. Also attached are copies of the draft proposed code language. Staff made some slight revisions to the amendments related to open space, driveways and parking areas and bicycle parking, and added the new sloped setback options to the compatible transition amendment. Other revisions are recommended in the matrix under the staff comments column.

Given that deliberations are limited to one meeting (with a possible half meeting available if absolutely necessary on January 23, 2012), staff requests that the Planning Commission forward any proposed recommended revisions to the draft language *in advance* of the deliberations. Also, staff suggests that the Planning Commission establish some ground rules for their deliberations, to provide a clear framework for expeditious consideration of outstanding issues or unresolved questions. Although there are a number of specific amendments for the Planning Commission to consider, staff are confident that this package of code amendments can be reviewed in manageable way, especially given the Planning Commission's initial review and familiarity with these amendments. For several of the topics listed above, staff believes that the issues can be resolved through simple clarification or revision.

To assist the Planning Commission, staff offers the following ground rules:

- Focus the discussion on the above list of amendments and the comments from the matrix.
- Establish a reasonable time limit for discussion of each topic.
- For each topic discussed, take a straw vote on a proposed action, including any suggested revisions.
- If outstanding issues or questions regarding a topic cannot be resolved during the time limit, table the item and move on to the next issue.
- Come back to unresolved issues at the end of the discussion of the remaining items to provide an opportunity to raise any additional question or issues not yet raised. Time permitting, if further (limited) discussion is not helpful, or questions remain that cannot be resolved, take a straw vote to determine whether the amendment should be supported or not.
- Take a formal vote regarding the Planning Commission's recommendation to City Council on the package of amendments.

Following Planning Commission's recommendation, the amendments will be the subject of a public hearing before the City Council on February 21, 2012, followed by action on April 9, 2012.

RECOMMENDATION

Staff recommends that the Planning Commission reviews the testimony and provide any suggested revisions to staff before recommending approval on the package of code amendments.

FOR MORE INFORMATION

Alissa Hansen, 541-682-5508 or alissa.h.hansen@ci.eugene.or.us

ATTACHMENTS

A. Written Testimony:

1. Letter from Sue Wolling, submitted 12/7/11
2. Letter from City of Eugene Bicycle and Pedestrian Advisory Committee, submitted 12/13/11
3. Letter from Carol Schirmer, submitted 12/13/11
4. Letter from Gordon Anslow, submitted 12/13/11
5. Letter from Paul Conte, submitted 12/13/11 at public hearing
6. Letter from Bill Aspegren, submitted 12/13/11 at public hearing
7. Letter from Teresa Bishow, submitted 12/13/11 at public hearing

B. Staff Responses to Planning Commission Questions

C. Matrix of Comments and Recommendations

D. Draft Proposals

DEC -7 2011

City of Eugene
 Planning Division

Dear Planning Staff,

I appreciate your re-visiting Eugene's residential bike parking requirements, since this has been a troublesome topic for developers and residents alike. In fact, I hope that a review of Eugene's overall bike parking standards, as called for in the draft Ped/Bike Master Plan, is coming soon.

While I appreciate the clarification and simplification the proposed changes include, there are a few items that deserve further consideration. As you are aware, the goal of the draft Ped/Bike Master Plan is to double the use of bicycles over 20 years. Achieving this goal will require attracting a new demographic to bicycle travel—namely, non-athletic “normal” people of all ages who choose to bike because it's convenient to do so. Many facilities proposed in the Ped/Bike Plan target this group of potential riders, and the bike parking standards must do the same.

For this reason, I'm concerned about several areas of proposed code:

1. No short-term parking is required in most multi-family housing. While long-term parking is needed for overnight use, there is also a need for short-term parking for come-and-go travel during the day. It can be time-consuming to access a locked garage or enclosure, and most people would rather lock to a simple rack if they will be leaving again in an hour or two.
2. There is no required sheltered short-term parking for fewer than 10 spaces. While it can be cumbersome and costly to add a shelter over bike parking, a simple look at the bike parking at the Market of Choice at Woodfield Station demonstrates how important it is to bicyclists. On most days, the sheltered rack is crammed full, while the unsheltered racks are nearly empty. Sheltered parking is even more important for the new type of cyclists we hope to attract than it is for current riders. These “transportation cyclists” are likely to be carrying books, groceries, and clothing on their bikes, and won't want to load these items into a basket that has a puddle in the bottom because it was parked in the rain. In most residential settings, an eave or overhang could provide adequate shelter for bike parking at no added cost. Sheltering bike parking becomes expensive only when it's an afterthought. The code should encourage thoughtful planning for bike parking, just as it does for auto parking. (Incidentally, I'm also not clear whether “10 or fewer bicycle parking spaces” refers to the number of spaces needed for an entire development, or merely at each specific location within that development.)
3. Up to 50% of long-term bike parking can require hanging the bike. While strong, young bicyclists with lightweight expensive bikes can easily hang a bike from a hook, these are not the people we are building for. A young mother or older person, riding a heavier bike with baskets and racks, will find it difficult or impossible to lift the bike high enough to hang it. (I know, because I'm fairly strong, yet cannot hang my bike from the racks provided on the side of the Eugene Hilton). Requiring bicyclists to hang their bikes

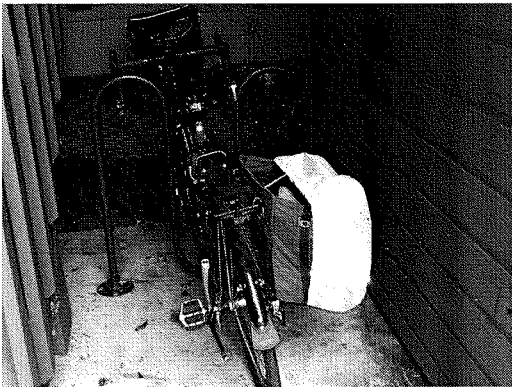
should be a last resort to squeeze in a few more spots—certainly not the design for 50% of the required long-term parking.

I also encourage you to emphasize the space requirements per bike space, perhaps with photos. (see below) All over town there are bike racks that appear to park more bikes than could ever actually park there. This is most commonly because hoop-style racks are placed too close to each other, wave-style rack capacity is over-estimated, or racks are located too close to a wall. Two bike spaces have been provided only if it is actually possible to park two bikes there!

Thank you for your attention, and your intent to provide the type of infrastructure we'll need for the future.

Sincerely,

Sue Wolling
108 High Street
Eugene OR 97401
Sue.wolling@gmail.com



Above: only one bike fits due to walls

Below: Wide handlebars make it impossible to fit more than 5 bikes on this rack.

DEC 13 2011

City of Eugene
Planning Division



December 8, 2011

To the Eugene Planning Commission

Regarding the Draft Proposal for Bicycle Parking Standards

The Bicycle Pedestrian Advisory Committee for the City of Eugene presents the following comments and suggestions to the proposed changes to the Bicycle Parking Standards that are being updated as part of the update to the Multi-family Code Amendments.

We appreciate the time and energy the City of Eugene staff put into updating the Bicycle Parking Standards. It is clear that your team crafted the proposed changes with much thoughtful consideration. We think it is important to note that these proposed changes will affect bicycle parking citywide, not just in the university area housing environment. The following comments are humbly submitted and we hope they will be added prior to the adoption of the updated Bicycle Parking Standards.

We encourage you to see these standards as a way to provide necessary infrastructure that will promote increased bicycle ridership in Eugene. In turn, this will help the City of Eugene meet many of its goals including:

- Reducing its GHG emissions from transportation
- Furthering the Draft Pedestrian Bicycle Master Plan goal of doubling bicycling and walking modes by 2030
- Creating 20-minute neighborhoods
- Supporting goals in the Climate Energy Action Plan

Below is a list of specific suggestions to strengthen the Bicycle Parking Standards:

1. Under 2b:

- a. Bicycle Parking Space Standards: we strongly request that you do not change the access aisle width to 4 feet. Consider increasing the width to 6 feet, but at a minimum, keep the width at 5 feet, to accommodate a range of bicycle lengths.
- b. Recognize that using vertical parking spaces is difficult for many of Eugene's citizens including children, height-challenged adults, the elderly and people with injuries or disabilities, is more prone to get clothing dirty, and that heavier commuter bikes are especially difficult to lift.

2. Under 2d, add language that parking spaces should properly drain (whether it be through grading or permeable pavers) in order to avoid water pooling around parked bicycles.

3. Under 3, add language that specifically addresses the consideration of visibility and accessibility due to safety concerns, whether they are perceived or real safety concerns.

4. Under 3b:

a. Long Term Bicycle Parking Location and Security, add language that requires bicycle parking to be a short distance from, or located within, the building where the bicycle parking is needed. This language is intended to prevent the concentration of bicycle parking in one building where there are multiple buildings located on the property.

b. Under 3b, the difficulty to store a bike vertically should be taken into consideration. Allowing up to 50 percent of long-term bicycle parking to be tipped vertically or hung is too much. We propose that this percentage be decreased to 25%. Additionally, we suggest that you consider using language that refers to specific types of vertical parking that provides mechanical assistance that makes vertical parking accessible to a wider user group.

6. For Table 9.6105(5) Minimum Required Bicycle Parking Spaces, we recommend three changes:

a. Multiple-Family and Multiple-family in R-3 and R-4: One long-term bicycle parking space per bedroom should be required

b. Assisted Care & Day Care bicycle parking: Require at least 1 long-term bicycle parking space, instead of no spaces, at smaller facilities and add short-term bicycle parking spaces at all facilities regardless of size.

c. Include short-term bicycle parking at coffee kiosks that provide outdoor seating.

In addition to the list of specific suggestions that are outlined above, we strongly encourage you to collaborate with staff in the City of Eugene's Transportation Planning department to make changes that complement the suggestions made in the Draft Pedestrian Bicycle Master Plan. We recognize that this may require slowing down the timeline but we believe that this collaboration will lead to a stronger set of policies. Attached to this memo you will find the suggested changes to bicycle parking standards proposed in the Draft Pedestrian Bicycle Master Plan.

Thank you for considering our suggestions and comments. We look forward to reviewing the next iteration of the Bicycle Parking Standards update.

Sincerely,

The City of Eugene Bicycle Pedestrian Advisory Committee:

Harriet Behm Rex Fox David Gizara

Judi Horstmann Shane MacRhodes Holly McRae

Rex Redmon Tom Schneider Jennifer Smith

Ted Sweeney Fred Tepfer Sasha Luftig

Jim Patterson Edem Gomez Anya Dobrowolski

Attachment:

Proposed Changes Bicycle Parking Standards from the Pedestrian and Bicycle Master Plan

Text from the draft PBMP:

City planning staff have indicated that the existing bicycle parking requirements found in Table 9.6105(4) are unnecessarily complex and have been difficult for developers to apply. The existing table lists over 150 uses with their associated bicycle parking requirements for both short and long-term facilities. The recommended amendments below provide a more streamlined approach to bicycle parking requirements by using broad categories of uses, rather than a long list of specific uses. This approach was used for Eugene's Walnut Station (Section 9.3970), adopted last year. The amendments below use Walnut Station as a model for amending the city's overall bicycle parking requirements. For consistency, the use categories recommended in the table correspond with the use categories in the existing vehicle parking requirements (Table 9.6410 Required Off-Street Motor Vehicle Parking). These same use categories are also found in the permitted use tables for each base zone. The intent of these amendments is to simplify the bicycle parking requirements while maintaining consistency with other aspects of the code.

Other changes:

- Multifamily housing: increase 1 space per dwelling unit to 1.5 spaces
- University area housing: require 1 parking space per bedroom
- Transit stations: current code requires bicycle parking at transit park & rides, but not at transit stations. PBMP recommends adding bicycle parking at transit stations.
- Design Standards: Exhibit 9.6105(2) is "out of date", update based on toolkit
- Sheltered short term: currently too complex and illogical (as # of spaces goes up, the sheltering percentage goes down). Recommends shelters for >10 racks (Note: this change is reflected in the proposed code amendments)
- Table 9.6105(4), which is updated to 9.6105(5) in the proposed code amendments, is reduced from 150 uses to about 20. It also increases bike parking for uses such as grocery stores from 1 space/3000s.f to 1.5space/3000s.f. Spot-checking seems to indicate the PBMP standards are more appropriate.
- Walnut Station Special Zone: increase multifamily parking requirements from 4 spaces per dwelling to 4 spaces per bedroom.
- Setbacks: would allow bicycle and pedestrian facilities within required setbacks if bicycle shelters are used. (Note: proposed code amendments would allow bicycle parking to project into or be located within a public right-of-way)

Received

DEC 13 2011

City of Eugene
Planning Division

December 13, 2011

Alissa Hansen

City of Eugene
99 West 10th
Eugene, OR 97401

RE: Draft Proposal
Summary of Proposed Code Amendments

Thank you for the opportunity to look at the Draft Code Amendments for this round. I reviewed the Code Amendments along with comments by the Planning Commission and others and would add (or sometimes reiterate) the following comments.

1. Multi-family Open Space Standards

I continue to be unclear as to why we agree that density is needed in the core of the city, around the University, and within the existing UGB and there continues to be support for proposals in the code that would work in direct opposition to this thinking.

Infill and livability are not mutually exclusive, however, the code amendments might lead one to believe that.

Open space is a great amenity and not necessarily if designed in small mathematically definable patches on all properties (to be developed if this code amendment is approved).

There has been some thinking that adding open space will mean the students in those neighborhoods closer to the University will stay on their own properties because they will have some where to be. I am certain that gathering, partying, and socializing will continue to happen on the streets, in the neighborhoods and be an active, on going, mobile process. The students want to mingle. They have lots of energy to burn and people to meet. A 400 sf patch of open space (or 10% of the site) will not thwart human nature in that age group. I also don't believe it will benefit the greater neighborhood in terms of providing usable open space.

Perhaps it would be a good exercise to define what the open space is supposed to be used for and we could design accordingly. I would advocate for continuing the density exemption for open space. Or create areas / zones where the density exemption is graduated instead of abolishing it completely.

Adding small pieces of open space at the expense of infill in the urban core is not an appropriate response to the lack of parks in those neighborhoods. As a former member of the ICS committee much of what I heard regarding open space was really in reference to the lack of usable park space in some neighborhoods. That is a different problem all together and won't be solved with this code amendment.

Open Space Credit:

Currently the Open Space credit is given if the development is located within ¼ mile of a public park. Why not add: *and if located within ¼ mile of a public school or publicly owned property.*



I have had numerous projects within ¼ mile of South Eugene High School. That property could easily be considered a park-like area. It has wide open fields for public use and enjoyment. Many of the existing schools' grounds are larger than existing parks. And yet, it doesn't meet the exact definition for the open space credit and therefore can not be used as such. This would be an appropriate addition to the code.

Private Open Space

While requiring that any balcony that is counted towards private open space to be 6' x 6' is clear and objective standard it doesn't necessarily have an application in the real world of design and development. If there must be a measurable scale for private balconies it would allow more flexibility if there were a minimum sf requirement rather than a minimum dimension requirement.

A 6 foot balcony, with the added code requirement of a maximum 2 foot intrusion into the required setback would then begin taking square footage out of the living space. Essentially the balcony becomes more of a subtractive element than additive. In order to meet the 6' requirement the balcony would have to protrude into the building rather than out from the building.

The unintended consequence of this may be that balconies disappear all together. Why would we want that?

I would discourage requiring more "design by math" but as a compromise perhaps there is a minimum sf requirement for the balcony with a minimum dimension in one direction (i.e.: minimum 12 sf balcony with a minimum dimension of 3'). A small café table and a couple of chairs would fit in that scenario creating a usable outdoor private space.

Open Space Dimensions

Regulating the minimum dimensions and size of a common open space has the unintended consequence of trying to find that one large space on the site during the design process at the expense of any other possible open space that could be provided.

This ensures that all minimum side yard and front yard setbacks are utilized instead of allowing any breathing room in those areas (i.e. greater setbacks on side yard so there can be more setback between neighboring property buildings)

What does "any portion mean". Does this mean if I have some outdoor open space only a small segment of the measurement is 15 feet and then it can narrow?

Looks like the planting setback has to be 10 feet in order for it to count? Which means even less developable space. There has to be a better way to think about open space. And as we are looking at density this code section will remove units. (sorry I can't quantify but common sense would tell you the same)

It would be nice if any barrier (like planting, wall or fence) is included in the private open space calculation. It is not clear whether it is or isn't.

Adjustment Review: Nice that there is the AR option but no developer I currently works with wants to exercise that option. While that may be a path to better design options it is also the sure path to appeal, time delay, etc.

These AR options are not clear and objective, open to interpretation, subject to appeal with associated time delays and costs.

6. Bike Parking

I fully support allowing different storage options for bike parking.

Vertical and tipped is great.

Some people (what percentage?) should be able to hang their bikes. There are lots of able bodied bike riders out there. Especially close to the University area.

Some people (what percentage?) should be able to store them conventionally.

Providing different options assumes people have varying degrees of ability, not that everyone is incapable.

Long term bike parking associated with multi-family housing in WUN and SUNA is more than likely student housing. Carrying a bike up to the second floor should be an acceptable option. These folks are able bodied (the majority of them) and carry couches and other heavy objects up to their apartments. Perhaps the code could allow for this option for second floor units only.

Keeping the bike parking exemption for single family and duplexes makes sense.

I would like to see bike parking in WUN and SUNA for multi-family at 1 per bedroom.

For the most part, students each have a bike.

If not student housing, I can't think of too many folks that don't have a bike and this is a good step towards providing the convenience of storing the bike (and having one) and then using it.

I agree with the reduced aisles width. People do not back their bikes up like a car: straight out of the parking space. You can back your bike out in an arc. You can tip your bike up on the rear wheel and rotate it in the direction you want to go. In other words, bike parking doesn't have to mimic car parking in terms of how they get out of the parking space. This would save lots of room and provide opportunity for more bikes.

Respectfully submitted,
Schirmer Satre Group



Carol Schirmer

Received

DEC 13 2011

City of Eugene
Planning Division

Anslow & DeGeneault, Inc.
Building Design & Construction
1953 Garden Avenue
Eugene, Oregon 97403
541-484-0070
CCB #49169 Fax 687-0646

12/13/11

Attn: Eugene Planning Commission
Re: Proposed ICS Revisions (aka Multifamily Code Amendments)

Folks,

I herewith submit the following comments on the proposed revisions to Ch 9 of Eugene Code. As some of you are aware, I have been continuously active in Eugene and surrounding areas for the last 35 years, in various aspects of design and construction of a wide range of structures for different uses, but with particular emphasis on residential work. In the last 15 years, this has included an increasing percentage of multifamily structures, many of which (but not all) have recently been concentrated in areas adjacent to the U of O. Currently, our single family work is very light, although duplexes are a bit of a bright spot, closer to the city center.

This work has kept me in regular contact with and involvement in the Land Use provisions of Ch 9, Eugene Code. While I have some specific comments regarding the particular areas addressed, I would like to add some general comments to put those in context. These are not necessarily ordered in importance.

Impact on University of Oregon

The U of O campus is constrained in area, in that it is surrounded by existing neighborhoods and the river, with limited ability to increase in area. Unlike other campuses with abutting undeveloped areas in which to expand, the U of O has chosen to not attempt to house all its students on campus, but to devote their limited land area to their primary mission of education. Thus, it falls on private owners in areas surrounding the U of O (and, indeed, an area extending well out on all sides, to the south hills, across the river, to Laurel Hill valley, and well out to the west) to provide housing. Obviously, the area closest to the U of O is the preferred area for most students to live, for logistical reasons, and this should be encouraged, for reasons including efficiencies of land use and conservation of resources.

The majority of changes to Ch 9 in recent years have served to make it somewhat more difficult to meet this demand, by means of effectively reducing densities and requiring more area devoted to parking, and now to additional bike parking and outdoor living area. Given that the U of O is not moving, and continued increasing enrollment seems to be a reasonable expectation, I would be interested to hear from the Planning Commission (and the City Council) some consideration of the impacts of making it harder to house this population close in, and the effects on the surrounding neighborhoods and impact on transportation of spreading this population out over a wider area at lower densities, as opposed to in a smaller area at higher densities.

Impact on Affordability of Housing

We have seen in recent years the end of a run up of housing prices of almost 60 years duration. While some of this is due to inflation, increase of average area, and a short bubble period before the recent crash, much of this increase has occurred in response to regulatory burden which has affected the supply and demand equation (such as occurs in land supply and cost to bring developed land to market), but also in

many thousands of improvements and refinements to building codes and to local land use laws (aka zoning ordinances). During this long period of expansion, some of the impact of the issue of affordability has been obscured by the fact that there were always more willing buyers available to step up, even as some buyers fell by the wayside – unable to afford new housing any more. We have seen this period come to abrupt and spectacular conclusion, and we now face the reality that much housing is no longer in reach of normal wage earning Americans.

While we see that there are U of O students whose parents are willing to pay higher rents in exchange for convenience to campus, the effects of this demand push up rents all over town, in that the market can't provide housing at an affordable rate to keep supply and demand in balance. A number of the proposed rules now apply to multifamily development all over the city. I would be interested to hear from the Planning Commission (and the City Council) some consideration of the impacts of these and other rules which increase the cost of building new housing.

Impact on the Region

I am not alone in seeing that well intentioned but myopic policies adopted in Eugene push demand for housing to outlying communities, essentially “leapfrogging” from our UGB to the next. This manifests itself in the form of differential of cost for land and for construction, leading consumers (whether for SFD's or apartments), to “drive ‘til they qualify”. Hundreds or thousands of units built within the UGB's of Veneta or Creswell or Harrisburg is still a form of sprawl, in that the residents mostly commute to jobs in Eugene. I would be interested to hear from the Planning Commission (and the City Council) some consideration of the effects of the proposed rules in continuing these unsustainable patterns.

Regards,

Gordon Anslow
Anslow & DeGeneault

12/13/11

Attn: Eugene Planning Commission

Re: Proposed ICS Revisions (aka Multifamily Code Amendments)

The following comments relate to the six items under consideration. Reference is to the Summary of Proposed Code Amendments.

Topic 1 – Multi-Family Open Space Standards

Politically, I expect this is a done deal. I worked with Steve Baker in the Multifamily Subcommittee of ICS, and we hammered out some of the revisions to how open space is provided, and what “counts”, which takes some of the sting from these changes.

Regarding proposed minimum area to count balconies toward required area, I think a good compromise is 4' minimum clear dimension, 20 sf minimum area. If we're thinking of the utility to occupants, they will be thrilled to have that. The larger minimum (6'x6') will be a disincentive, and you will have fewer balconies overall. I think that would be unfortunate.

I looked at how the 34 plex at Emerald and E 19th (The Studies at 19th) would fare under the new ICS no-exemption-from-ODLA rule. Would require about 4500 sf of ODLA. As designed, provides about 2800 sf that complies dimensionally. (Front yards exceed required but don't meet 15'x15' requirement, mostly. To comply, assuming similar design, would result in losing about 4 units (12 beds) and 3 - 4 parking spaces.

I looked at how the 33 plex at Patterson and E 18th (O Town) would fare under the new ICS no-exemption-from-ODLA rule. Would require about 4400 sf of ODLA. As designed, provides about 3000 sf that complies dimensionally. To comply, assuming similar design, would result in losing 2-3 units (6-8 beds).

I looked at another project (infill, in WUN). Current site with a sixplex and old house. Under current rules, can demo house and build 4 - 3 bed units, and required parking. Under proposed new rules, at very most could demo house and build duplex. This may or may not be viable. Current density is 35 un/ac. Before new rules can go to 50 un/ac. After new rules, 39/un/ac.

I looked at another proposed site in SUNA. Before/after effect is 6 units to 4 units. Note that the smaller the lot, the bigger the effect; this is due to percentage of usable space on smaller sites is lower than on larger sites. (Usable space after you take off the setbacks.)

The result of these changes will be to reduce value of undeveloped (unredeveloped) real estate by 10 - 20%. Assuming demand is constant, the lost units will be met by increased pressure for redevelopment on more outlying areas. Naturally, since zoning allowing denser housing is in short supply, and Envision Eugene is going to clamp down on any upzoning of R property, since can't go up, will go out. Other effect, of course, of new rules is to increase the value of properties already developed. Ask any appraiser how this works.

Topic 2 – Allowed Intrusions in Required Setbacks

Generally supportive of these changes, as will provide more front (street facing) yard space. Now if we can get people to maintain the landscaping. A few items, though: 9.6745 c (2) Wonder why these bays went from 3'x10' to 3'x8'. Would prefer the former. Another issue is that, under 9.5500 (7) Articulation, one of the means of achieving the required variation of walls is jogs in the plane of the wall at least 2' deep,

and offsets of at least 6' length. By disallowing bay windows (or window bays), this means that buildings built to the setback can only meet the articulation requirement with subtractive features. (You can see these on north side of 1754 Patterson, rear building addition.) Projecting bays are a long established item in the traditional design quiver, where as 2'x6' "holes" are not. You might consider adding language to allow these formerly allowable intrusions into interior yard setbacks (at other than alley interior yards), only to the extent required to satisfy articulation requirements. If there were a concern about windows in the bays leering into neighbor's yards, you could allow the projections for articulation but without windows. (They could be used for closets, or just projections from rooms.) I prefer with windows, as they look more reasonable and traditional.

Topic 3 – Driveways and Parking Areas in University Area Multi-Family Zones

Generally, I support this, and appreciate the clarification that a one or two family unit can have the parking area described. Unfortunately, with regard to the effort to keep people from illegally parking in their front yards (in landscaped areas, or converting such areas to parking), until there is consistent enforcement, this will continue no matter what is passed.

Topic 4 – Recycling and Garbage Screening for University Area Multi-Family Developments

I support this change. I would like to suggest that you allow screening fences to start 12" above the floor of the trash area, as this will discourage people from sleeping or lying down in these enclosures, and will make it easier for tenants to see when someone is inside, and avoid unpleasant confrontations.

Topic 5 – Compatible Transition between high density residential and low density residential in South University

Regarding the SUNA transition - I presume one can't have any dormers penetrating thru the angled roof planes, so all that height is not necessarily useful for anything. From a purely developer-centric standpoint, the 5' yard with 30' height is probably more useful, in that you don't have the "taking" of 5' of your \$65/sf property, and the higher wall means you can have windows, which means you can thus have rooms.

However, with the new outdoor living area requirements, one will need all the 10' sideyards you can get, to meet the ODLA requirement. So, probably my favorite (or, least unfavorable) would be the 25' height with 7/12 slope back.

Topic 6 – Bicycle Parking Standards

Regarding number of parking spaces for bikes in WUN & SUNA, we would like to show you some of our bike rooms with stripped bike frames locked to the hoops. These bike rooms are not all you may think they are, and many or most people will still carry their bikes into their apartments, or lock them outside where they can see them from their units. However, if you must increase the required bike parking, suggest you mimic the car parking methodology, and say 1 bike space for studio, 1 & 2 bedroom unit, and a half space for each additional bedroom. Also, you might want to add that, if 2 spaces are required for a single unit, they can be accommodated in a single lockable room. Lastly, I suggest you apply the same 25% reduction as a "right of development" as you provide for cars, particularly if you retain the recently increased car parking in WUN & SUNA neighborhoods.

December 13, 2011

Secondary Dwelling Unit Maximum Building Height

Paul Conte, 1461 W. 10th Ave., Eugene, OR 97402

Summary

Staff appears to have recently misinterpreted the maximum building height allowed for detached Secondary Dwelling Units (SDUs) within 20 feet of a property line. Specifically, staff appear to be allowing an additional seven feet in height over the actual maximum of fifteen feet.

Recommended code change

The applicable code (see below) should be amended to apply the seven foot additional height to only main dwellings in R-1, R-2, R-3 and R-4.

Applicable code

Under the **Residential Zones** sections of Eugene Code, **Table 9.2740 Residential Zone Land Use and Permit Requirements** identifies "Secondary Dwelling (Either Attached or Detached from Primary One-Family Dwelling on Same Lot)" as a permitted use that has "special use limitations that are described in EC 9.2741 Special Use Limitations for Table 9.2740."

EC 9.2741 Special Use Limitations for Table 9.2740.

...

- (2) Secondary Dwellings.** Secondary dwellings are only permitted in R-1 and are subject to the standards below.

...

- (b) In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following:

...

2. If located within 20 feet of a property line, the maximum building height shall not exceed 15 feet.

The 15-foot limit is specifically associated with a detached SDU use.

Staff appears to be incorrectly applying an allowance under a provision in a *separate* section of the residential zoning code that specifies general development standards.

EC 9.2750 Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Maximum Building Height (2), (3), (4), (5)					
Main Building. Includes Secondary Dwellings Within the Main Building.	30 feet	35 feet	35 feet	50 feet	120 feet
Accessory Building. Includes Secondary Dwellings Detached from Main Building (See EC 9.2741(2)(b) if located within 20 feet of property line.)	20 feet	20 feet	25 feet	30 feet	30 feet

EC 9.2751 Special Development Standards for Table 9.2750.

...

(3) Building Height.

...

- (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones.

The language in the code is clear.

All provisions under EC 9.2751, including in EC 9.2751(3)(d), apply explicitly and specifically only to Table 9.2750.

The standards in Table 9.2750 explicitly are "*in addition to*" applicable provisions contained elsewhere in this code, including EC 9.2741(2)(b)2.

The sentence: "In cases of conflicts, standards specifically applicable in the residential zone shall apply" under EC 9.2750 doesn't affect the provision contained in EC 9.2741(2)(b)2 because this requirement is "specifically applicable in the residential zone." Furthermore, EC 9.2750 clearly states that the provision under that section are "in addition to" other standards, and thus EC 9.2741(2)(b)2 provides a special case in which a more restrictive, 15-foot maximum building height is to apply rather than the 20-foot standard in Table EC 9.2751 (with or without an additional seven feet, based on slope).

December 13, 2011

Zone Change Criteria for R-1.5 and R-3

Paul Conte, 1461 W. 10th Ave., Eugene, OR 97402

Summary

Recent Planning Commission decisions (both of which have been appealed to LUBA) have created precedents that would allow zone changes from R-1 to R-1.5 and from R-3 to R-4 on practically any lot that is not covered by a refinement plan policy that explicitly restricts the higher zone.

These precedents, if upheld by LUBA, would create potential for severe destabilization of many areas throughout the city

Recommended code changes

R-1.5 should be allowed only as part of a Planned Unit Development (PUD) on lots designated as "Low Density Residential."

Zone changes to R-4 should be allowed only:

- a. in the core downtown area, or
- b. where explicitly permitted by a refinement plan, or
- c. by a City Council ordinance that identifies a specific development site or area as appropriate for "dense urban living" with a dwelling density above the maximum density allowed by the "limited high-density" range (i.e., the R-3 zone).

December 13, 2011

Summary of maximum building height standards

Paul Conte, 1461 W. 10th Ave., Eugene, OR 97402

Maximum Building Heights

See EC 9.0500 "Building Height."

Except for within residential and some special area zones, building height is measured: "to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gables of a pitched or hipped roof."

"For the purposes of residential zones, building height shall be the vertical distance above a reference datum measured to the highest point of the roof."

BASE ZONES**AGRICULTURAL ZONE**

- 30' – Main Building
- Accessory buildings: *No limit*

COMMERCIAL ZONES

Zone	Max	Additional limits
C-1 Neighborhood Commercial Zone	35'	
C-2 Community Commercial Zone	120'	EC 9.2171(2) No portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.
C-3 Major Commercial Zone	150'	
C-4 Commercial/Industrial Zone	50'	
GO General Office Zone	50'	EC 9.2171(3) No portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.

- EC 9.6715 Height limitation Areas & EC 9.6720 Height Exemptions apply.

INDUSTRIAL ZONES

Zone	Max
I-1 Campus Industrial Zone	<i>No limit</i>
I-2 Light-Medium Industrial Zone	<i>No limit</i>
I-3 Heavy Industrial Zone	<i>No limit</i>

- EC 9.6715 Height limitation Areas & EC 9.6720 Height Exemptions apply.

NATURAL RESOURCE ZONE

- 30' or the height limit of the base zone, whichever is less.

PARK, RECREATION AND OPEN SPACE ZONE

- 30' for buildings within 80 feet of the property line; otherwise *no apparent limit*.

PUBLIC LAND ZONE

- Limited to max height of abutting residential zone within 50 feet of the property line; otherwise *no apparent limit*.

RESIDENTIAL ZONES

Zone	Max to highest point on roof
R-1 Low-Density Residential Zone	30' (37' for roof slope of 6:12 or steeper) 20'/27' Accessory/secondary dwelling unit 15' for SDU within 20' of property line
R-1.5 Rowhouse Zone	35' 20'/27' Accessory/secondary dwelling unit
R-2 Medium-Density Residential Zone	35' (42' for roof slope of 6:12 or steeper) 25'/32' Accessory/secondary dwelling unit
R-3 Limited High-Density Residential Zone	50' (57' for roof slope of 6:12 or steeper) 30'/37' Accessory/secondary dwelling unit
R-4 High-Density Residential Zone	120' (127' for roof slope of 6:12 or steeper) 30'/37' Accessory/secondary dwelling unit

- EC 9.6715 Height limitation Areas & EC 9.6720 Height Exemptions apply.
- May be modified with PUD.
- Some height transition and height limitation areas are defined. See EC 9.2751(3)
- Solar standards may limit height. See EC 9. 2795.

SPECIAL AREA ZONES

S-C CHAMBERS SPECIAL AREA ZONE

Subarea	Max height
S-C/R-1	Max to highest point on roof
	30' (37' for roof slope of 6:12 or steeper) 20'/27' Accessory/secondary dwelling unit
S-C/R-2	Max to highest point on roof
	27' front 60' of lot (an be adjusted to 30'); otherwise 18' 18' Accessory/garage
S-C/C-2	"Midpoint" height
	120'

S-CN CHASE NODE SPECIAL AREA ZONE

Subarea	Max height
S-CN/C	"Midpoint" height
	50' commercial 120' residential or residential over commercial
S-CN/HDR/MU	Max to highest point on roof
	120' 35' or 2 stories within 50' of Garden Way 30' Accessory/secondary dwelling unit
S-CN/HDR	Max to highest point on roof
	120' 30' Accessory/secondary dwelling unit

S-DW DOWNTOWN WESTSIDE SPECIAL AREA ZONE

- 120' – Main Building
- 50' – Accessory buildings
- EC 9.3216(2) A more restrictive height limit applies within 50 feet of an abutting property zoned R-2 or R-3. (Table 9.2750.)
- May be modified with PUD.

S-E ELMIRA ROAD SPECIAL AREA ZONE

- R-1 height limits for all residential and non-residential development.

S-F FIFTH AVENUE SPECIAL AREA ZONE

- C-2 height limits for all development.

S-H HISTORIC ZONE

- Height limits are individually specified for each S-H zone.

S-HB BLAIR BOULEVARD HISTORIC COMMERCIAL SPECIAL AREA ZONE

- EC 9. 3515(3) Height. Building heights are generally low in the S-HB zone and alterations and additions shall not exceed 2 stories in height. Building height shall not exceed 25 feet.

S-JW JEFFERSON WESTSIDE SPECIAL AREA ZONE

- 30' front 60' of lot; otherwise 18'
- 15' Accessory/garage
- May be modified with PUD.

S-RP RIVERFRONT PARK SPECIAL AREA ZONE

- EC 9.3715(5) Height Limitation. No portion of a structure located within 75 feet of the top of the south bank of the Willamette River shall exceed 45 feet in height above grade (not to exceed 3 stories). There is *no height limitation* for a structure or a portion thereof outside the area described above.

S-RN ROYAL NODE SPECIAL AREA ZONE

Subarea	Max to highest point on roof
S-RN/LDR	35' 25' Accessory/secondary dwelling unit
S-RN/MDR	35' 25' Accessory/secondary dwelling unit
S-RN/RMU	50' 50' Accessory/secondary dwelling unit
S-RN/CMU	50' 50' Accessory/secondary dwelling unit
S-RN/MSC	"Midpoint" height
	50' 50' Accessory/secondary dwelling unit

S-W WHITEAKER SPECIAL AREA ZONE

- EC 9.3915(7) 45' height limit on all development.
- EC 9.6715 Height limitation areas apply.

S-WS WALNUT STATION SPECIAL AREA ZONE

- Seven stories. Step downs to five and three stories towards southern boundary.
- 35' in low-density residential areas

OVERLAY ZONES

/# RESIDENTIAL DENSITY RANGE OVERLAY ZONE

/BW BROADWAY OVERLAY ZONE

/CAS COMMERCIAL AIRPORT SAFETY OVERLAY ZONE

- EC 9.4130(3) The maximum height of structures and objects shall normally be the same as the zones to which the commercial airport safety overlay zone is added. However, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to penetrate the surface heights of the various sectors as described below and shown on the Airspace plan.

/EC EAST CAMPUS OVERLAY ZONE

- EC 9.4220(2) Building Height. Within the /EC East Campus Overlay Zone, a building within 60 feet of an R-1 Low Density Residential zone shall not exceed 30 feet in height. All other buildings shall not exceed 45 feet in height.

/ND NODAL DEVELOPMENT OVERLAY ZONE

/PD PLANNED UNIT DEVELOPMENT OVERLAY ZONE

/SR SITE REVIEW OVERLAY ZONE

/TD TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONE

/UL URBANIZABLE LAND OVERLAY ZONE

/WP WATERSIDE PROTECTION OVERLAY ZONE

/WQ WATER QUALITY OVERLAY ZONE

/WB WETLAND BUFFER OVERLAY ZONE

/WR WATER RESOURCES CONSERVATION OVERLAY ZONE

VARIANCES

EC 9.8755(1)(a) Planning Director may grant variances to the standards prescribed in EC 9.2000 to 9.3915 for building height.

	Receives the impact – Zones that include “at risk” residential development								
Produces the impact	R-1 S-E S-C /R-1 /R-2 S-JW	R-1.5	R-2 S-RN /LDR /MDR S-W	R-3 S-RN /RMU /CMU /MSC	R-4	S-CN /C /HDR /MU /HDR	S-DW	S-WS	/EC
AG									
C-1									
C-2									
C-3									
C-4									
GO									
I-1									
I-2									
I-3									
NR									
PRO									
PL									
R-1									
R-1.5									
R-2									
R-3									
R-4									
S-C/R-1									
S-C/R-2									
S-C/C-2									
S-CN/C									
S-CN/HDR/MU									
S-CN/HDR									
S-DW									
S-E									
S-F									
S-HB									
S-JW									
S-RP									
S-RN/LDR									
S-RN/MDR									
S-RN/RMU									
S-RN/CMU									
S-RN/MSC									
S-W									
S-WS									
/EC									

Low to moderate difference in max height standard	
Large difference in max height standard	
Very large difference in max height standard	
Max height standard for impacted zoned is much higher than existing residential development in some areas.	

Produces the impact	Receives the impact – Non-residential							
	AG	C-1 S-HB	C-2 C-3 S-F S-C/C-2 S-RP	C-4 GO	I-1 I-2 I-3	NR	PRO	PL
AG								
C-1								
C-2								
C-3								
C-4								
GO								
I-1								
I-2								
I-3								
NR								
PRO								
PL								
R-1								
R-1.5								
R-2								
R-3								
R-4								
S-C/R-1								
S-C/R-2								
S-C/C-2								
S-CN/C								
S-CN/HDR/MU								
S-CN/HDR								
S-DW								
S-E								
S-F								
S-HB								
S-JW								
S-RP								
S-RN/LDR								
S-RN/MDR								
S-RN/RMU								
S-RN/CMU								
S-RN/MSC								
S-W								
S-WS								
/EC								

Low to moderate difference in max height standard	
Large difference in max height standard	
Very large difference in max height standard	
Max height standard for impacted zoned is much higher than existing residential development in some areas.	

ON: 12-13-11

FILE NO: CA 11-2

December 13, 2011

Comments on multi-family code amendments

First let me say that I support all six code changes. Many of these changes were approved as part of the ICS project and then languished due to other priorities. Unfortunately, this delay has been costly to the neighborhoods. It is important that these changes be given priority and moved along quickly so further neighborhood damage does not occur.

A quick look at development over the past four years in the south university neighborhood shows seven new apartments have been built with two more across the street but adjacent to south university. Another south university building is under construction and one more is currently proposed. These projects have added well over 600 short-term residents to the area.

Virtually all of these buildings have been built to use as much of the lot as possible. They have minimum setbacks, intrusions into the setbacks, are exempt from providing open space and do not attempt to transition into the surrounding neighborhood of single family homes. The net effect is we are seeing massive buildings that have permanently changed the character of our neighborhood.

The proposed code changes will go a long way toward making future development more compatible.

Specifically, I would like to endorse the transition proposal submitted by commissioner Randall, option 3. I am encouraged that both the city and commissioner Randall have considered the neighbor's recommendations and proposed better solutions to our problems. Thanks.

As to the open space changes I believe balconies should only be counted as open space if they are usable. Therefore, some minimum dimension should be set.

It seems reasonable that some of the code changes should be applied to the entire city, not just south university or the area surrounding the university. Please consider this when making your recommendations.

The proposed code changes are critical to preserving Eugene's core neighborhoods. I hope you will recommend these changes to the City Council and work to move them along as quickly as possible.

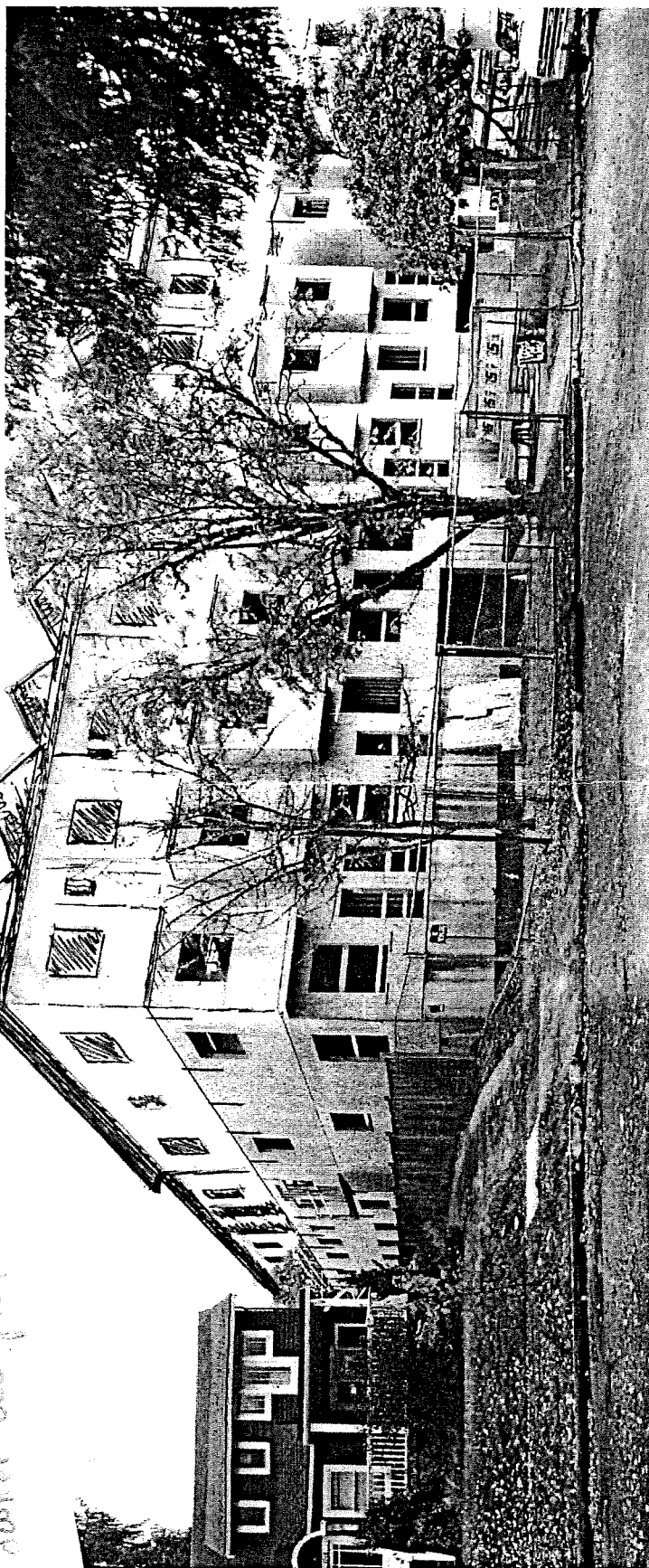
Thanks,

Bill Aspegren



R3 - 52' Height Limit = 35'

R1
never occupied



R-1/R-3 Interface at 19th and Emerald. Submitted by Carolyn Jacobs 11/27/11.

Lost - 30 mature trees
 - 4 single style houses
 - Neighborhood character

Gained - 100+ students
 - 60+ cars



December 13, 2011

Eugene Planning Commission
Planning Division
99 West 10th Avenue
Eugene, OR 97401

RE: Infill Compatibility Standards (CA 11-2)

Dear Planning Commissioners,

Thanks for the opportunity to provide comments on the draft Infill Compatibility Standards for Multi-Family Developments. I am impressed by the tremendous amount of time, energy, and creativity that has occurred in preparing draft code amendments.

Several of the standards are currently limited in scope to the University Area. If any of these standards are broadened, I respectfully request an additional opportunity to provide comments.

Regarding draft code amendments proposed to all multi-family developments, my comments below address how the amendments may impact large vacant sites in neighborhoods without the traditional street grid with public alleys. Please also refer to the attached document intended to help illustrate various comments.

This testimony addresses the following approval criteria:

1. Consistency with statewide planning goals, specifically Goal 10 Housing
2. Consistency with the Metro Plan, specifically Policies A.14 and A.23
3. Consistency with the Willakenzie Area Plan, specifically Residential Policy 8

Statewide Planning Goal 10 Housing

On page 76 of the Agenda Item Summary (AIS), the draft Statewide Goal 10 findings state that the amendments "...do not impact the supply or availability of residential lands...Therefore, the amendments are consistent with Statewide Goal 9." (typo)

We do not raise a concern that the draft code changes reduce the quantity of land planned or zoned for residential use. We are concerned that increasing the amount of required open space and restricting its location may hinder design flexibility and the ability to meet Metro Plan density goals.

The record does not contain any findings regarding the impacts of the new draft open space standards requiring:

- 1) 20 percent of the common open space to be living plant material – EC 9.5500(9)(a), or
- 2) 20 percent of the lot frontage to contain common open space – EC 9.5500(9)(a)(2)(c).

In cases where the multi-family development is integrated into a mixed use urban center, requiring 20 percent of the area to be landscaped with living plant material and located on a front property line may have a significant adverse impact. In an urban setting, open space may be more attractive and functional as an urban plaza, roof top terrace, or other feature where providing 20 percent of the area with living plant material may be impractical or not suitable. The requirement that at least 20% of the lot frontage abut open space could have a significant impact on the cost and number of dwelling units built.

Metro Plan Consistency

The findings presented by staff state that there is no evidence that by adopting the amendments, the city will be unable to comply with density provisions in the Metro Plan. A person may assert the findings should demonstrate compliance, not the lack of compliance.

In addition, the open space requirements may cause unintended adverse impacts in situations where the R-1 and R-4 land is separated by a property line versus a street or public alley. With the emphasis on locating open space on the street, it may result in less open space being located between the R-1 and R-4 zoned land.

Metro Plan Policy A.14 provides direction for local regulations to be reviewed periodically “to remove barriers to higher density housing and to make provisions for a full range of housing options.” In the findings presented by staff regarding this policy, it states, “The amendments specifically includes the provision of more flexibility in how open space and bicycle parking are provided in multi-family developments, thus removing potential barriers to higher density housing.”

Increasing the required amount of open space, restricting the location of open space, and eliminating the exemption of open space for higher density projects do not appear to add flexibility nor remove a potential barrier. Someone may assert that the changes are placing undue emphasis on the protection of one class of residents (those in single-family dwellings) versus another class (those living in an apartment).

Willakenzie Area Plan Consistency

The draft findings presented by staff identify only one applicable Willakenzie Area Plan policy:

“Promote compatibility between low-density residential uses and medium to high-density residential land uses.” (Residential Policy 8)

The draft findings state that the amendment regarding open space for multi-family developments, “promotes compatibility by increasing the amount of open space that is available around multi-family developments by removing the exemption for denser project while providing more flexibility on where it can be located.”

While open space can enhance the transition between different land uses, the draft amendments are unclear how requiring the open space to be located on a front lot line will address situations where the change in density is along a rear or side property line. The draft amendment to require that at least 20 percent of the common open space area contain living plant materials also assumes that this would promote compatibility when it may hinder creative use and enjoyment of the open space.

To address the above approval criteria, please consider the suggestions listed below. Please refer to the attached document illustrating the comments below.

1. MULTI-FAMILY OPEN SPACE STANDARDS

- 1.1 Due to special requirements applicable to /ND Nodal Development areas and the extensive public review during a PUD or master plan process, please consider waiving the requirements to comply with open space standards.**

One of the goals of the infill compatibility standards is to enhance open space being provided as part of new multi-family projects. When projects are only being reviewed for compliance with clear and objective standards, changing the code standards may be the best way to ensure enhanced open space. In cases, however, where multi-family projects have special density requirements and are approved through a PUD or other type of master plan process, please consider a different approach.

The /ND overlay zone requires minimum residential densities and floor area ratios (FAR) significantly higher than the base zone. In addition, in many of nodal development areas new development is subject to an approved PUD or nodal development plan where the quantity, type and location of open space is considered as part of the master plan process. In these situations, providing multi-family projects an exemption to open space standards will provide greater design flexibility and recognize the broad public policy choice of promoting densities to support transit and the neighborhood oriented commercial uses vital to the success of these mixed use areas.

Eliminating specific open space requirements in nodal development areas would be consistent with the draft code amendments to eliminate these requirements in C-3 Major Commercial. Furthermore, part of the area zoned C-3 proposed for an exemption to the open space requirements is in the /BW Broadway overlay zone. The purpose of this overlay zone includes:

“Establishing, strengthening, and maintaining a high quality urban environment with compatible commercial, residential, and recreational uses.” EC 9.4070(1)

The City appears to have determined that the purpose of the /BW overlay zone will be achieved by not requiring minimum open space for multi-family developments.

The definition of nodal development areas and the purpose of the /ND Nodal Development overlay zone are similar the /BW overlay zone yet focuses to a greater degree on creating dense, mixed use areas that will be pedestrian and transit oriented.

“Nodal Development. Mixed use, pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.” EC 9.0500

“The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development...An adopted development plan for a specific node may recommend that the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.” EC 9.4250

Some nodal developments contain R-1 Low Density Residential zoned land that would typically develop at 5 to 7 units per acre. Achieving the overall density of 12 units per net residential acre essentially requires either small lot subdivisions or multi-family uses. With these density requirements, it would be fair and equitable to apply the same exemption being considered for multi-family developments downtown to those in nodal development areas.

1.2 If open space requirements will continue to apply to /ND Nodal Development areas, please retain the existing exemption for projects that achieve certain residential densities.

This exemption provides an incentive to developers to design a project at the higher end of the allowed density range. The code currently grants an exemption for open space if the project achieves 45 units per net acre in R-3 and 90 units per net acre in R-4. According to staff, this exemption has rarely been sought so it is unclear why it is being eliminated. Retaining the exemption does not mean that higher density residential areas will not have adequate open space. It removes the regulatory requirement that each project provide its proportional share of open space and allows a more creative, holistic look at open space. In addition, the City has SDC park fees based on the number of dwellings in the project. This provides an on-going revenue stream for the City to acquire open space.

1.3 Retain existing reference in Table 9.5500(9) to “Other Non-Residential” zones.

By removing the reference to “non-residential” zones, the standards would appear to apply to the R-1.5 zone. However, the R-1.5 zone only allows rowhouse lots and development of each lot with a one-family home. Since the R-1.5 zone does not allow multi-family

development it will never be subject to the open space requirements found in Table 9.5500(9). The draft code amendment could cause people to assume that at least 20% of the development site in an R-1.5 zone will be required to be open space. This standard would hinder design flexibility and viable development of R-1.5 zoned land.

1.4 Eliminate proposed new Section 9.5500(9)(a)(5) requiring common outdoor open space to abut a front lot line for a minimum length of 20 percent of the total lot frontage.

This proposed standard may have an adverse impact on lots with an unusual amount of street frontage and reduce the buffer with lower density residential areas that are to the rear of the lot. The standard could also trigger lot line adjustments and partition/subdivision activity as the developer attempts to comply with the required location of open space based on the front lot line.

If multi-family projects being reviewed in nodal development areas or large PUD's were exempt from the specific open space standards it would allow the flexibility inherent in the PUD process.

1.5 Please address the potential internal conflict between EC 9.5500(9)(a)(4) requiring a minimum 15-foot by 15-foot square for any common open space area and EC 9.5500(9)(a)(6) allowing a minimum dimension of common open space of 10 feet outside the front yard setback.

If the Planning Commission decides the open space standards should apply to areas with the /ND Nodal Development overlay zone, please provide a new figure for the code that illustrates a situation where there is no required front yard setback. The examples in Figure 9.5500(9)(a) assume a minimum 10 foot front yard setback. It would be helpful to have an illustration clarifying how common outdoor space is calculated in a situation where the building is close to the front property line and does not contain common open space at the ground level but instead provides common open space on a balcony or roof top terrace.

1.6 Consider eliminating requirement that private open space be individually screened.

Historically, Eugene's Land Use Code considered private outdoor living areas as those that were accessible only to occupants of one dwelling unit. To enhance the attractiveness of the private open spaces for residents, the code required at least 65 percent of the longest dimension to be open and unobstructed. The draft code amendments appear to require screening of private open space.

Screening private open space may hinder social interactions among residents, decrease public safety, and detract from the joy of urban living. Many residents are attracted to apartment living because it can offer easy ways to socialize with neighbors and creates a sense of place. Requiring private open space to be screened could inhibit design flexibility and places too much emphasis on individual privacy. Private open space should not need to be secluded or cut-off from view from other open areas and dwellings.

The concept of “private” open space is that it is an area reserved for residents of a particular dwelling, usually accessed from inside the apartment or clearly bordering the entrance to an individual unit. Private open space can be safe for residents without a fence or partition that will make these small spaces feel enclosed and confined. The concern by city staff that it is difficult to determine whether open space is screened is valid, however, changing the code to require a physical fence of a specific height misses the mark.

Please clarify that a 42 inch guardrail meeting the building code would comply with the “screen” requirement in the draft amendments.

1.7 Consider amending open space credit to allow private parks to apply toward the open space requirement.

Increasingly, the City is unable to acquire land for public parks especially if it will increase the demand for park maintenance. If a private park is constructed within a quarter mile and will be available to residents, why not allow it to apply towards the required open space? The developer, for example, could design and construct an urban plaza for all residents within the PUD. There are several ways to ensure the private open space is retained for the benefit of residents, such as use of a Development Agreement or easement.

1.8 If open space credit is not granted for private parks, retain ability to obtain a modification to the quantity of open space required.

There are many different ways to provide open space for residents -- community garden plots, natural resource area, urban plaza, etc. If only public parks can apply towards an open space credit, it is critical to retain the ability to adjust the quantity of open space if alternative open space areas are provided within a quarter mile.

2. ALLOWED INTRUSIONS IN REQUIRED SETBACKS

2.1 Consider allowing bays and bay windows to project into the interior yard setbacks when adjacent to a private alley or shared private driveway. Consider expanding types of minor intrusions to include energy efficient or green building features, such as solar shades on windows.

While the draft code amendment may be viable in older neighborhoods with public alleys, it will create a hardship in newer neighborhoods. Perhaps these types of minor interior yard intrusions could also occur in a private alley or shared private driveway. Also consider expanding the examples of minor intrusions to include energy efficient building features, such as solar shades on windows.

3. BIKE PARKING STANDARDS

3.1 Consider allowing lockable rooms designed for rent or use by a single business tenant or residential household to not need a bike rack installed.

Amend Section EC 9.6105(3)(a) to read:

1. A bicycle locker *or an individually used lockable storage room*,
2. A lockable bicycle enclosure, or
3. Provided within a lockable room *shared by multiple commercial, industrial, or institutional tenants* with racks complying with space standards at EC 9.6105(2).

Amend Section EC 9.6105(3)(b) to read:

1. A lockable garage,
2. A lockable room used **by multiple households** with racks complying with space standards at EC 9.6105(2),
3. A lockable bicycle enclosure, or
4. A bicycle locker or other type of lockable storage room designed for one household.

3.2 Consider allowing long-term bike parking in an underground garage provided there is ADA access.

The new requirement that long-term bicycle parking may only be provided at ground level unless there is an elevator is overly restrictive. Bicycle parking in an underground garage, for example, should continue to be permitted provided there is safe and convenient access from the street. In addition, it is unclear why required parking needs to be located on specific floors of the apartment building. If the ground floor of a multi-story building is primarily commercial use, the second floor may be the most suitable location for indoor, long-term bike storage. The upper floors may offer enhanced views or other amenities for residents making it less attractive to use that space for indoor bike parking. Residents want secure, convenient bike parking but it does not need to be on the same floor as their specific dwelling unit.

3.3 Support allowing short-term bike parking to be located within a public right-of-way without the need for a revocable permit.

We support the proposed changes to EC Section 9.6105(4)(c) and the allowance of bike parking within the public right-of-way.

3.4 Support not requiring shelters if 10 or fewer short-term bike parking spaces are required. Please retain existing reduction in the percent of spaces that need to be shelters when more than 30 short term bike parking spaces are required.

Eliminating the need to shelter short-term bike parking for projects that only require 10 or fewer spaces will promote redevelopment and infill of small sites. We support this proposed change. The draft amendment to require 50% of all short-term bike parking to be sheltered when 10 or more spaces is required may have an adverse impact on larger developments and mixed use projects.

Shelters for bike parking spaces typically occur by placing spaces under window awnings (reducing shelter for pedestrians) or with a free standing structure (impacting the cost of the project). When a shelter is required, it is usually the most cost effective to consolidate bike parking to minimize the number of shelters. In a large building with multiple main entrances, this can result in bike parking being less dispersed and less convenient for users. Short-term bike parking should be the easiest to access. Please retain the existing standard that requires a lower percent of short-term bike parking to be sheltered when 30 or more spaces are required.

3.5 Please allow all multiple-family projects to provide some short-term bike parking. EC Table 9.6105(5)

Please consider allowing some short term bike parking for all multiple-family projects regardless of zoning. If the ratio and concept is reasonable near the University, it is fair to provide the same allowance in other areas of the city. As an alternative, why not give housing providers the option of either providing 1 bike parking space per dwelling with 100% of the spaces designed for long-term storage OR providing bike parking according to the number of bedrooms with the allowance of up to 10% of the required spaces being designed as short-term bike parking spaces? This flexibility would allow housing providers to assess the demand for bike parking, the site constraints, and other factors in deciding what level and type of bike parking to provide.

Impacts of Code Provisions on Existing Multi-Family Buildings

At times when the City has adopted new development standards, the code has been amended to allow existing buildings to not be subject to nonconforming provisions.

For example, when the City changed the provisions for calculating residential densities, the following text amendment was processed concurrently:

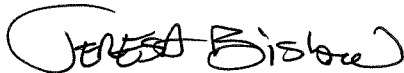
“Buildings and uses conforming to the residential density requirements in R-2, R-3, and R-4 zoning districts on (date of adoption) are exempt from section 9.612 to 9.620 pertaining to nonconforming uses. This exemption is limited to development sites in the R-2, R-3, and R-4 zoning districts on which residential buildings and uses

existed, or in which a building permit or land use application is pending, on (date of adoption)..." (EC 9.546(2) effective 1/31/95)

My concern is that a number of apartments have been constructed in the last five years. Any change to multi-family standards could result in these buildings becoming nonconforming structures. This can have a significant impact on the property owner especially during this tough economic time and the challenges with any endeavor that requires financing.

We have not provided written comments on draft code amendments pertaining solely to the University Area. If the scope of these amendments expands to include other areas of the community, we request an additional opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Bishow". The signature is stylized with a large, looping initial "T" and a cursive "Bishow".

Teresa Bishow, AICP
Director of Planning and Development

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December 13, 2011

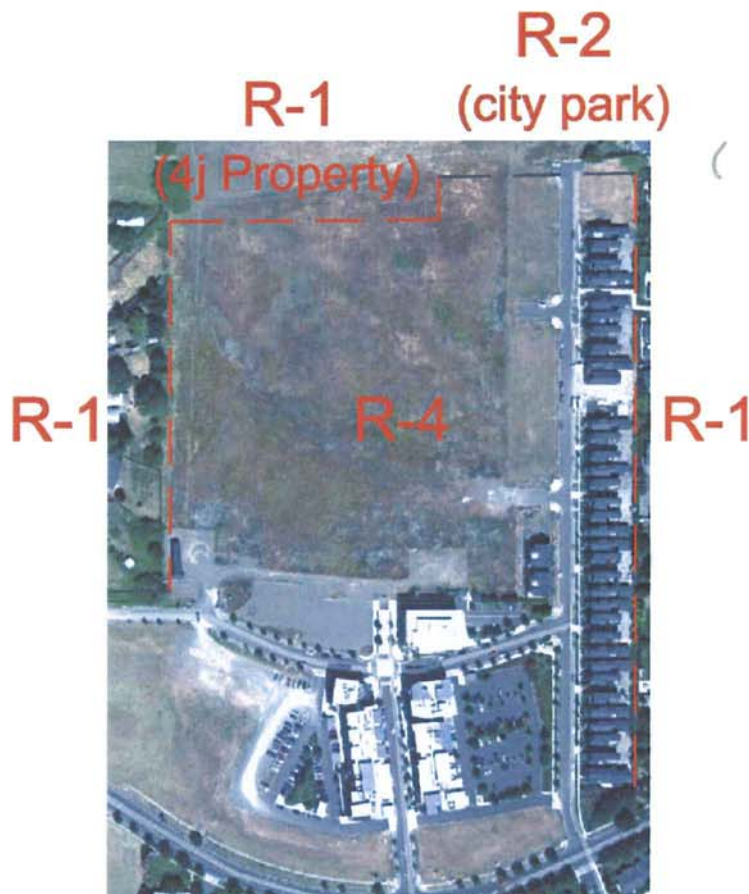
RECEIVED IN PUBLIC HEARING
ON: 12-13-11

Allow flexibility for Multi-Family projects approved thru a PUD in Nodal Development areas FILE NO: CA 11-2

PUD's are intended to allow creative solutions to design issues which address the unique characteristics of the neighborhood and help ensure compatibility with surrounding properties. The design and location of open space is an important part of the PUD process and is generally done comprehensively for the entire development site instead of on a lot by lot basis. In cases where the multi-family development is integrated into a mixed use urban center, allowing design flexibility is vital to the success of the project.

Metro Plan Consistency

Draft code amendments requiring a minimum amount of open space on the front lot line may hinder the ability to locate open space along the boundary between R-1 and R-4 zoned land. Increased setbacks where R-1 and R-4 land is separated by a property line will decrease area available for development and may, therefore, decrease density especially if the draft code amendments are expanded city-wide.

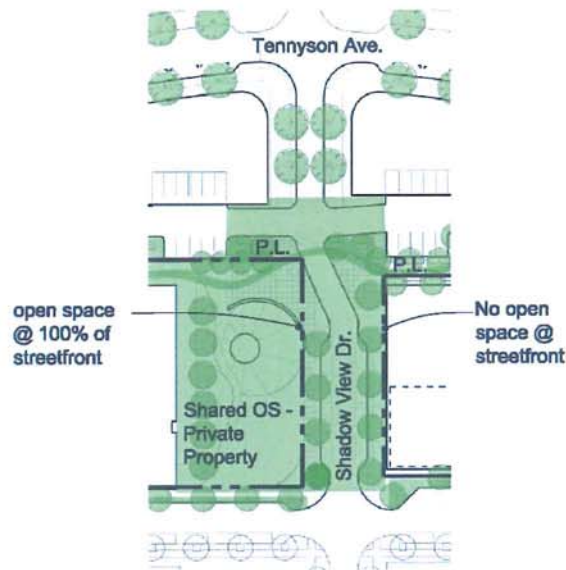


Arlie & Co. owns one of the largest vacant R-4 zoned development sites in the city.

About 2,700 linear feet at the perimeter of the Crescent Village PUD is adjacent to R-1 land. Land to the north is planned for a future school. Land to the west is an old subdivision created in the County without full urban services. Several of the lots are vacant and the area is suitable for redevelopment. The City Council included the school district property and the R-1 land to the west of Crescent Village in the /ND Nodal Development area.

MULTI-FAMILY OPEN SPACE STANDARDS

Requiring common open space on a front property line may hinder creative designs especially where a multi-family development is integrated into a mixed use urban center. In areas with the /ND Nodal Development overlay, special consideration should be given to allow the PUD process to guide the master plan instead of strict standards.



Open Space provided within Mixed-Use PUD – large open space on one side of street, with development pushed to street front at opposite side. The illustration above depicts a future phase of Crescent Village containing an urban plaza on the east side of Shadow View and high density housing on the west side. View in sketch is looking south.



Mixed-use development with commercial at street level. Less than 20% open space provided on the front property line allows increased open space within courtyard or to the side or rear of the behind building.



Open space area above is behind the building, but visible from street – it provides gathering space and stormwater filtration system.



A fourth floor roof top terrace – creative solution to allow open space to abut front property line.

INDOOR COMMON OPEN SPACE

Up to 30% of common open space may be located in indoor recreation areas.

- Please clarify if natural light can be provided by windows only (not skylights) – allowing space to be located on various floor levels.
- New code requires space to be accessible from common lobby, courtyard or exterior common open space. Please allow flexibility for open space to be accessed from public ROW.



Hard Core Yoga

Yoga studio located within mixed-use PUD - large storefront glazing for natural light (no skylights) – accessed from public ROW.

PRIVATE OPEN SPACE

Draft code amendments appear to require private open space, such as balconies, to be separated from adjacent private open space by walls, screens or partitions – minimum of 42 inches in height.

- Please clarify that a 42 inch guardrail meeting the building code would meet the “screen” requirement noted above.



Example of 42 inch high guardrails meeting building code requirements.

ALLOWED INTRUSIONS IN REQUIRED SETBACKS

Consider allowing intrusions to project into the interior yard setbacks when adjacent to a private alley or shared private driveway – the same as public alleys.

Consider allowing additional minor intrusions into interior yard setbacks to allow energy efficient building features, such as solar sun shading.



BIKE PARKING STANDARDS

Allow flexible storage for mixed-use developments.



Support requiring bike racks in common, shared lockable rooms. Consider allowing lockable rooms designed for rent or use by a single business tenant or residential household to not need a bike rack installed.



Increasing the requirement for sheltered bike parking may provide a hardship on developments, especially large sites and mixed use projects.



On street bike parking is the most convenient and should be the majority of bike parking in a mixed-use development. Support allowance of bike parking within the public right-of-way without the automatic requirement of a revocable permit.



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MEMORANDUM

Date: January 17, 2012

To: Eugene Planning Commission

From: Alissa Hansen, City of Eugene Planning Division

Subject: Responses to Planning Commission questions from public hearing

Below are the questions and information requests provided by the Planning Commission following the December 13, 2011 public hearing on the multi-family code amendments. Staff response follows each question.

1. Are the multi-family standards applied any differently in the /ND Nodal Development overlay zones?

The multi-family standards are not applied any differently in the /ND overlay zone. The /ND overlay zone does require compliance with additional development standards, beyond those required in the base zones, including an increased minimum density in residential zones, minimum floor area ratios in commercial zones, maximum building setbacks from the street and no parking between the building and the street.

2. Explain how common interior space counts as common open space.

A portion of a multi-family development's required open space may be provided indoors. Eugene Code (EC) section 9.5500(9)(a) provides that:

3. Up to 30% of common open space may be located in indoor recreation areas fitted with game equipment, work-out equipment, court sports facilities, swimming pools, plant greenhouse, wood shop, or other designated project or game equipment, if the facility conforms to the following standards:
 - a. The minimum area of any single space shall be 250 square feet, with no dimension being less than 15 feet.
 - b. Interior common open space shall be at least 10 feet in floor to ceiling height; glazed window and skylight areas shall be provided in the proportion of 1 square foot for each 4 square feet of the floor area of the common space.
 - c. The space shall be accessible from a common lobby, courtyard or exterior common open space.

Regarding subsection c., the intent is to ensure that the open space is directly accessible to, and serves, the residents of the development. It is not intended to include the ground floor tenant space that is accessed via the public right-of-way and available to the general public.

3. Provide information where the balcony size came from.

Current code allows for balconies to be counted towards private open space and does not require a minimum area or minimum dimension. The original Infill Compatibility Standards recommendation for open space called for requiring the following minimum dimension for balconies to be counted as private open space: "A single contiguous area that a 6 foot x 6 foot square will fit entirely within. Railings that intrude no more than 4 inches are allowed." This dimension is taken from the City of Portland Code for multi-family developments. The intent of requiring a minimum dimension was to ensure that useable balconies were provided.

4. Explain non-conforming structures vs. non-conforming uses.

The land use code includes provisions addressing legal non-conforming situations, which include legal non-conforming lots of record, legal non-conforming uses and legal non-conforming structures. (See EC 9.1200-9.1240) The intent of these provisions is to minimize impacts of the non-conforming situation by establishing standards that limit the expansion of the non-conformity and to provide for the correction or removal of non-conforming situations in an equitable, reasonable, and timely manner.

It is common for non-conforming structures to be created by code amendments. For instance, when building heights were changed through the adoption of infill compatibility standards for the south and west university area, any building exceeding those heights no longer complies with the current code. Likewise, when the Walnut Station Special Area zone was adopted, many existing structures were rendered non-conforming due to setbacks. Through adoption of the proposed amendments, some buildings will become legal non-conforming structures if they do not meet the new provisions for heights, setbacks, etc. The current code language acknowledges that non-conforming structures do occur and allows them to continue, but not to become more non-conforming. The building that exceeds current height standards could be maintained, but could not become taller. If these structures were damaged or destroyed, such as by fire, they are allowed to be reconstructed as long as the non-conformity is not increased.

Non-conforming uses (such as a clinic established in a residential zone prior to the requirement for a conditional use permit for this use) are treated slightly differently than non-conforming structures. If the use is discontinued for a year (unless the discontinuance was a result of damage to the building), the use loses its legal nonconforming status.

Given the limited scope of the proposed amendments, staff does not believe that new legal non-conforming provisions specific to these amendments is warranted.

Multi-Family Open Space

Eugene Code Section	Existing Code Provision	Draft Proposal	Public Comment	PC Comments	Staff Comments
Table 9.5500(9) Open Space Requirements	Currently, multi-family developments (projects with three or more units on the same lot) must provide a certain amount of open space unless the project meets a specific density (approximately 80 percent of the maximum allowed in the zone). If the project meets the density threshold, it is exempt from providing open space. This applies to the R-1, R-2, R-3, R-4, C-1, C-2, C-3, GO and other non-residential zones.	As proposed, the open space exemption would be removed from the R-2, R-3, and R-4 zones (predominately multi-family zones) and the C-3 zone. The C-3 zone is located downtown, which is already exempt from the multi-family development standards, and along E. 13 th between Alder and Kincaid Streets.	Remove open space exemption from all zones	Remove open space exemption for multi-family developments in the R-1 Low Density Residential zone. Remove open space exemption for multi-family developments in the C-1 Neighborhood Commercial zone	Regarding R-1, given that multi-family developments in the R-1 zone are subject to the planned unit development (PUD) requirements, staff did not include the removal of the open space exemption for R-1. Regarding C-1, C-2, GO, and the special area zones, staff recommends retaining the exemption as a means to encourage compact mixed use development.
Table 9.5500(9) Open Space Requirements	Same as above.	Same as above. Only base zones, not overlay zones, are included in the section.	Waive open space requirements for /ND Nodal Development overlay areas or provide an exemption for /ND areas that achieve a certain density.	Retain open space exemption for properties with the /ND Nodal Development overlay.	Currently, only the Crescent Village area, the Lower River Road area, the Danebo area and portions of downtown are subject to the /ND overlay. As these are areas identified for mixed use and higher densities, staff recommends adding language to ensure that within the /ND overlay zone, multi-family developments are exempt from the open space requirements if the minimum specified density (as shown in Table 9.5500(9)) is achieved for the base zone.
Table 9.5500(9) Open Space Requirements	Same as above.	Proposing to replace “Other Non-Residential” with “All Other Zones” and retain open space exemption for these zones.	Retain existing reference in Table 9.5500(9) to “Other Non-Residential” zones.	None.	Public testimony suggests that this change in wording makes it less clear if these standards would apply to the R-1.5 Rowhouse zone. As the open space standards only apply to multi-family developments, which are clearly not allowed in the R-1.5 zone, staff does not see this as a concern. This change is intended to clarify that these standards apply in some special area zones. Although the special area zones are not listed under the residential heading in the code, some are predominately residential (or mixed use) in nature, and require compliance with the multi-family standards. As such, staff recommends changing the heading as proposed.
EC 9.5500(9)(a)1.c.2. Indoor Common Open Space	Up to 30% of a project’s required common open space may be provided indoors, provided dimensional and locational requirements are met. This subsection requires glazed window and skylight areas to be provided in the proportion of 1 square foot for each 4 square feet of floor area of the common area.	Proposing to change minimum area from 250 square feet to 225 square feet consistent with proposed changes to outdoor common open space.	Clarify that natural light can be provided by windows only (not skylights).	None.	Staff agrees that this code section could be clearer, and suggests changing “glazed window and skylight areas” to “glazed window <i>or</i> skylight areas.”

EC 9.5500(9)(a)1.c.2. Indoor Common Open Space	See above. This subsection requires that the space be accessible from a common lobby, courtyard or exterior common open space.	See above	Allow indoor common open space to be accessed from public right of way.	None.	Staff believes that the intent of this section is to ensure that the indoor common area is easily accessible for residents, can be directly accessed via the multi-family development, and serves the residents of the multi-family development. It is not intended to include ground floor tenant space that is available to the public. By allowing access from the public sidewalk, access becomes less direct and it blurs the lines about who the open space is for. Staff does not recommend making this change.
EC 9.5500(9)(a)2.a. & b.	Outdoor common open space must comply with minimum area (250 square feet) and minimum dimensions (15 feet) requirements.	Proposing to change minimum area to 225 square feet, require that common open space be designed to fit a 15 foot by 15 foot square entirely within it, and to allow a minimum dimension of common open space of 10 feet outside the front yard setback. The 10 foot wide area must be connected to the 15 by 15 area.	Require at least a 15 foot by 15 foot area contiguous to the front property line, and then can count 10 foot interior yard and courtyard spaces, whether abutting 15 foot by 15 foot spaces or not.	None.	The draft code language is based on a recommendation from the original ICS proposal on open space. Staff is not opposed to the change recommended through the public comment.
EC 9.5500(9)(a)2.a. & b.	See above	See above.	Address internal conflict between EC 9.5500(9)(a)2.a. requiring a 15 foot by 15 foot square for any common open space and EC 9.5500(9)(a)2.b. allowing a minimum dimension of common open space of 10 feet outside the front yard setback. Provide a figure for situations where there is no required front yard setback.	None.	Staff does not believe there is an internal conflict. If common open space is required, the minimum area of any open space must be 225 square feet and consist of a 15 foot by 15 foot square. If more open space is required, it can be provided in the front yard setback (15 foot minimum dimension) and/or outside of the front yard setback (10 foot minimum dimension). The intent is for the 10 foot portion must be connected to the 15 foot by 15 foot portion. Given the relatively few instances where these standards will apply in a zone with no minimum required front yard setback, staff does not recommend creating a new figure. The following zones have a minimum front yard setback of 0-feet: C-2, C-3, and several of the special areas zones for mixed use developments, including Chase, Royal, Whiteaker and Walnut. As noted above, the multi-family standards are not typically in C-3. In C-2, if the ground floor of a building is in nonresidential use, then the project is exempt from the multi-family standards.
EC 9.5500(9)(a)2.c.	See above	Proposing to require a portion of the outdoor open space to abut a front lot line.	Eliminate proposal for requiring common open space to abut a front lot line for a minimum length of 20 percent of the total lot frontage.	None.	The requirement for a certain percentage of the common open space to be along the street is a recommendation from the original ICS proposal on open space. Although the proposed language is somewhat different

					than recommended through ICS, it is intended to meet the same intent, as well as be clear and objective. Staff has some reservations about this standard due to its prescriptive nature, lack of design flexibility, and that it may present design challenges for smaller scale projects. Additionally, it does not address that multi-family projects come in many types, such as student housing or affordable housing. In developments where there may be families with children, having the open space along the street is not ideal. For these reasons and those mentioned in the public comment, staff is not opposed to eliminating this requirement.
EC 9.5500(9)(b) Private Open Space	Private open space can be provided as a means to comply with a portion of a projects overall required open space. (A minimum of 400 square feet must be provided as common open space). Private open space is outdoor space directly adjacent to dwelling providing outdoor area for private use by the occupants.	Originally proposed adding “Private open space may be covered, but may not be fully enclosed.”	“may not be fully enclosed” isn’t well-defined	None.	Changed draft code language to “Private open space may be covered, but may not be enclosed.”
EC 9.5500(9)(b) Private Open Space	Balconies can be counted towards private open space. No minimum area or minimum dimensions are required for balconies to count at private open space.	No changes proposed.	Add the following code language: For buildings in any zoning district other than R-1, balconies that face a property in the R-1 district may not be counted toward the open space requirements set forth in EC Table 9.5500(9) Open Space Requirements.”	None.	This issue is adequately addressed through the proposals related to allowed intrusions and compatible transitions.
Table 9.5500(9)(b) Minimum Private Open Space Sizes	Balconies can be counted towards private open space. No minimum area or minimum dimensions are required for balconies to count at private open space.	No changes proposed.	<p>Require a minimum dimension/area for balconies:</p> <p>A single contiguous area that a 6 foot x 6 foot square will fit entirely within. Railings that intrude no more than 4 inches are allowed.</p> <p>Minimum area of 36 square feet and a minimum dimension of 6 feet.</p> <p>Minimum area of 20 square feet and a minimum dimension of 4 feet.</p> <p>Minimum area of 12 square feet and a minimum dimension of 3 feet.</p>	Under private open space, add a 6 foot x 6 foot minimum area for balconies. This would require balconies to be a minimum of 6 feet by 6 feet to be counted as private open space. Smaller balconies would continue to be allowed, but could not count as private open space.	The recommendation for a 6 foot by 6 foot balcony was part of the original ICS recommendation, and was based on the City of Portland Code for multi-family developments. The intent of requiring a minimum dimension was to ensure that useable balconies were provided. Staff did not include this provision for several reasons. While staff admires Portland’s approach to addressing multi-family developments given its comprehensiveness, picking one piece out of such a code often doesn’t translate well, without the context or consideration of the remaining provisions. Also, given that the open space exemption is proposed for elimination, design flexibility is needed to accommodate open space, especially for smaller sites. In addition, staff believes that balconies smaller than 6 feet by 6 feet are still useable. Staff supports requiring a

					minimum area of 20 square feet and a minimum dimension of 4 feet for private balconies to count for private open space.
EC 9.5500(9)(b)(2) Private Open Space	Private open space shall be screened or buffered from adjacent open space and dwellings by landscaping, fencing or partitions.	Changed to provide separate screening standards for private open space provided at ground level and for private open space provided on upper levels.	Eliminate requirement that private open space be individually screened.		Staff does not support eliminating the screening requirement for private open space on the ground floor. Staff has recommended some revisions to this section. See attached draft proposal.
EC 9.5500(9)(b)(2) Private Open Space	See above	For private open space provided as balconies or roof terraces, added screening requirement for minimum 42 inch wall, screen or partition.	Clarify that the 42 inch guardrail meeting building code would comply with the “screen” requirement.	Increase screening requirement from 42 inches for private open spaces provided as balconies or roof terraces.	Staff has recommended some revisions to this section. See attached draft proposal.
EC 9.5500(9)(c) Open Space Credit	An open space credit, not to exceed 25 percent of the total open space requirement, is available for developments that are located within ¼ mile of a public park.	No changes proposed.	For open space credit, add “and if located within ¼ mile of a public school or publically owned property.”	None.	Staff supports adding publically owned schools, universities and opens spaces, as public schools/universities typically include playgrounds, sports fields and courts and/or useable open space. Staff does not recommend including “publically owned property” as that could be interpreted to mean any property, such as an office building or courthouse, that is owned by a public agency.
EC 9.5500(9)(c) Open Space Credit	See above.	No changes proposed.	Consider amending open space credit to allow private parks to apply toward open space requirement.	None.	Given the lack of private parks in Eugene, staff does not recommend making this change. If a larger development proposes to create a private park, the park could presumably be counted towards required open space.
EC 9.5500(9)(c) Open Space Credit	See above. Currently, the amount of required open space provided can be reduced through an adjustment review process.	No changes proposed to open space credit. Change proposed to clarify that required amount of open space cannot be adjusted.	If open space credit is not granted for private parks, retain ability to obtain a modification to the quantity of open space required.	None.	Staff supports adding language that if a project is approved through a planned unit development, the amount of required open space can be adjusted.
Adjustment Review	Currently, the amount of required open space provided can be reduced through an adjustment review process.	Clarified that the required amount of open space cannot be adjusted.	It needs to be clearer that the required amount of open space is not adjustable.	None.	Staff believes that the revised language is clear.
Adjustment Review	The adjustment review criteria require that a proposal achieve better overall compliance with the purpose of the open space standards than would result from strict adherence to the standards. However, there is no stated purpose of the open space standards.	Added criteria by which to evaluate adjustments.	The adjustment review criteria are subject to interpretation.	None.	Adjustment reviews are Type II land use applications, which by their very nature require some discretion. The new adjustment review criteria are modeled after the downtown adjustment review criteria, as well as other adjustment review criteria. Staff does not recommend any changes.
EC 9.0500 Definitions	Currently, the code contains a definition of porch, but not for patio or balcony.	Proposing to add definition of balcony.	Definitions of patio, balcony and porch were developed by ICS to provide clarity. It needs to be clear for the open space and intrusion sections that a balcony is on an upper floor, that a porch serves a ground floor entrance, and that a patio is not the same as a porch or balcony.		The original ICS recommendations included definitions of patio, porch and balcony. As these proposed definitions were effectively new standards, staff attempted to incorporate them where possible in this package of amendments. The code already provides a definition of porch, which is

			9.0500 Definition of “balcony”. Should strike “ <i>without additional independent supports</i> ” because many balconies have supporting columns		<p>applicable throughout the code, and a definition for balcony is proposed. Staff does not recommend adding a definition of patio, as the term is also used elsewhere in the code, and staff believes the clarifications to the open space and allowed intrusions sections address the concerns raised.</p> <p>Regarding balconies, staff notes that this definition was in part, an attempt to address massing. It does not preclude balconies with columns; however, it would preclude them as allowed intrusions in front yard setbacks.</p>
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Allowed Intrusions in Required Setbacks

Eugene Code Section	Existing Code Provision	Draft Proposal	Public Comment	PC Comments	Staff Comments
EC 9.6745(3)(a)2.	For one story structures, chimneys, fireplaces, bay windows not exceeding 8 feet in width are allowed to project into interior yard setbacks not more than 2 feet, and into front yard setbacks not more than 5 feet, provided such projections are at least 8 feet from any building on an adjacent lot. There is no limitation on the frequency or amount of bay window projections allowed on a one-story building.	Added “The maximum frequency of such bays or bays windows in one per building façade. “	Allow more than one intrusion per building façade. Consider allowing one per certain length.	None.	Staff supports changing this to be similar to the frequency for two story structures (one bay per 15 feet of building façade).
EC 9.6745(3)(c)	Currently, the code provides two categories of standards for projecting building features. The first applies to single story structures and the second applies to multiple-story structures (regardless of use or location).	Added a third category of standards that is intended to apply to 1) all multi-family developments and 2) all development in the R-3 and R-4 zones in the university area (to capture those developments not subject to multi-family standards).	Consider broadening applicability.	Broaden applicability to all include developments in all R-3 Limited High Density Residential and R-4 High Density Residential zoned areas (not just the university area)	Staff supports broadening the applicability so that the new standards apply to 1) all multi-family developments and to 2) all residential development in the R-3 and R-4 zones.
EC 9.6745(3)(c)4.	For multiple-story structures, bays no greater than 3 feet deep and <u>10 feet</u> long are allowed to project into required front yard setbacks.	For multi-family developments and developments in the university area, bays and bay windows no greater than 3 feet deep and <u>8 feet</u> in width are allowed to project into required front yard setbacks.	For multi-family developments and developments in the university area, allow bays and bay windows to be 3 feet by <u>10 feet</u> , consistent with the standard for multiple-story buildings.	Consider making the maximum width for bays and bay windows for multi-story structures and multi-family developments consistent. [10 feet at EC 9.6745(3)(b)(4) for multi-story and 8 feet at EC 9.6745(3)(c)(4) for multi-family]	The 8 foot recommendation is from the original ICS proposal. Staff supports keeping both at 10 feet (the existing standard) for consistency and flexibility. Allowed intrusions for multi-family developments and in the R-3 and R-4 zones will be limited to 50 percent of façade per floor.
EC 9.6745(3)(b)6. and (c)	For multiple-story structures, bay windows cantilevered from the first floor may project into required setbacks, provided they do not exceed 8 feet in width.	This provision is proposed for removal from multiple-story structures section and not proposed for inclusion in the multi-family development/university area development section.	The multi-family standard at EC 9.5500(7) requires building articulation. One of the means of achieving the required variation of walls is jogs in the plane of the wall at least 2' deep, and offsets of at least 6' length. By disallowing bay windows, this means that buildings built to the setback can only meet the articulation requirement with subtractive features Consider adding language to allow these formerly allowable intrusions into interior yard setbacks (at other than alley interior yards), only to the extent required to satisfy articulation requirements. Although window bays are preferable, if there were a concern about windows in the bays leering into neighbor's yards, consider allowing the projections for the articulation but without windows.	None.	Staff does not support this change, as articulation is not precluded if the building is not built to the setbacks.

EC 9.6745(3)(b)4.&5. EC 9.6745(3)(c)4.&5.	The maximum frequency of bays and bay windows is one per 15 feet per of building façade.	No change proposed.	The maximum frequency of bays and bay windows should be limited to 16 feet.	None.	The 16 foot recommendation is from the original ICS proposal. For consistency with the existing code, staff recommends retaining 15 feet. As noted above, allowed intrusions for multi-family developments and in the R-3 and R-4 zones will be limited to 50 percent of façade per floor.
EC 9.6745(3)(c)3.	For multiple-story structures, open porches no deeper than 10 feet and no higher than 15 feet may project into required yards that abut streets.	For multi-family developments, added “Porches no less than 6 feet in depth and no higher than 15 feet measured from grade may project into required front yard setbacks. “	For multi-family developments, porches should be allowed to project into front yard setbacks provided that for each intrusion into the front yard setback, the porch shall project an equal or greater dimension into the property behind the front yard setback.	None.	This is a recommendation from the original ICS proposal related to setback intrusions. Staff did not carry this recommendation forward into the draft proposal due to concern that it would discourage porches, reduce design flexibility and result in unintended consequences. Staff does not recommend this change.
EC 9.6745(3)(c)7.	Currently the code does not include limitations, with the exception of dimensions and frequency for some features, on the amount of allowed intrusions.	For multi-family developments and university area developments added “The maximum length of all porches, bays, bay windows, and balconies intruding into the required front yard setback is limited to no more than 50 percent of the length of the street facing building façade on each floor.”	Add chimneys and fireplaces to the list of intrusions so that all intrusions are captured	None.	Given the relatively few chimneys and fire places expected to project into front yard setbacks of multi-family developments, staff does not recommend any changes.
EC 9.6745(3)	For multiple-story structures, bays no greater than 3 feet deep and 10 feet long are allowed to project into required front yard setbacks and bay windows cantilevered from the first floor may project into required setbacks, provided they do not exceed 8 feet in width.	For multi-family developments and developments in the university area, bays and bay windows no greater than 3 feet deep and 8 feet in width are allowed to project into required front yard setbacks. Additionally, bays and bay windows no greater than 8 feet in width may project into interior yard setbacks along public alleys.	Consider allowing bays and bay windows to project into interior yard setbacks when adjacent to a private alley or shared private driveway.	None.	As there are relatively few private alleys or shared private drives, staff does not recommend this change. Unlike public right-of-way, private alleys and shared drives are typically easements granted over one or several properties. For larger development sites, if necessary, this standard can be adjusted through a PUD process.
EC 9.6745(3)	Features such as awnings and other similar features are allowed to project into required front and interior yards.	No change proposed.	Consider expanding types of minor intrusions to include energy efficient or green building features such as solar shades on windows	None	Awnings are already allowed to project into required setbacks, which would include solar shades. It is unclear what other features should be considered to be allowed to project. Staff does not recommend any changes at this time.

Driveways and Parking Areas

Eugene Code Section	Existing Code Provision	Draft Proposal	Public Comment	PC Comments	Staff Comments
EC 9.2751(14)	For developments in the university area that do not have to meet the multi-family development standards (such as duplexes), driveways and parking areas are allowed in the front and side yard setbacks provided they do not cover more than half of the front yard area.	Adds a new provision specific to the R-3 and R-4 zones in the University area that limits driveways and parking areas in front and side yard setbacks.	When this proposal was proposed and recommended by ICS it was designed to apply to all R-2, R-3 and R-4 zones, not just to the University area.	Broaden applicability. Suggestions included applying to all R-3 and R-4 zones city wide, all R-2, R-3 and R-4 zones city wide, and to R-3 and R-4 zones in the core neighborhoods with grid street patterns, including Jefferson-Westside, Friendly, Amazon, Fairmount, Downtown, and Whiteaker.	Staff support expanding the applicability to all R-3 and R-4 zoned properties city wide.
EC 9.2751(14)(b)	See above.	This subsection allows for a shared driveway if allowed under Chapter 7 of this code. Per subsection (f), shared driveways shall not exceed 24 feet in width	None.	Clarify what constitutes “shared” driveways	Staff has recommended some clarifying language for this section. See attached draft proposal.
EC 9.2751(14)(c)	See above.	This subsection does not allow driveways in front or interior yard setbacks, except that shared driveways and driveways off an alley would be allowed in the setbacks.	The ICS proposal did not allow for alley parking in interior yard setbacks.	None.	Although this was part of the original ICS recommendation related to driveways and parking, staff did not carry it forward because it seems reasonable to allow parking accessed via an alley to be located along a side property line (within the 5 foot setback). Staff would prefer to encourage parking accessed via an alley in these areas as opposed to parking in front yard areas.
EC 9.2751(14)(e)	See above.	This subsection requires driveway and associated parking areas be perpendicular to street and not lead to other parking or vehicle use areas.	None.	Clarify that a stand-alone driveway accessing a parking area behind a building would be allowed	Staff has recommended some clarifying language for this section. See attached draft proposal.
EC 9.2751(14)(g)	See above.	This subsection requires the driveway to be a minimum of 20 feet in depth.	None.	None.	The required setback for garages in the R-3 and R-4 zones is 18 feet. Staff recommends changing the proposed dimension of 20 feet to 18 feet to match this existing setback requirement for garages.

Garbage and Recycling Screening in University Area

Eugene Code Section	Existing Code Provision	Draft Proposal	Public Comment	PC Comments	Staff Comments
EC 9.5500(14)	Recycling and garbage areas serving multi-family developments are required to be fully screened on all sides with a 100 percent site-obscuring fence, a minimum of 6 feet high and made with wood, metal, masonry or other permanent materials.	Allow recycling and garbage areas serving multi-family developments around the University of Oregon to be partially screened (minimum 50 percent site-obscuring) on the pedestrian entrance side of the enclosure.	Consider applying city wide.	Broaden applicability to all multi-family developments (not just the university area).	Staff supports retaining the applicability to the university area because this issue was specifically raised by neighbors and developers in this area.
EC 9.5500(14)	See above.	See above.	Consider allowing screening fences to start 12” above the floor of the trash area to discourage people from sleeping or lying down in enclosures.	None.	One of the concerns raised by neighbors is that the enclosures need to be able to contain garbage and recycling, and not be designed to allow it to spill out. Staff have concerns that allowing the fencing to start at 12-inches above the floor would provide openings at ground level for debris to escape. As such, staff does not recommend making the language more specific.

Compatible Transition between R-1 and R-3/R-4 zone boundaries in the South University Area

Eugene Code Section	Existing Code Provision	Draft Proposal	Public Comment	PC Comments	Staff Comments
EC 9.2751(8)	Allowable building heights in the R-3 and R-4 zones in the south university area were recently lowered to 35 feet between 19 th and 20 th Avenues, with an additional 7 of building height allowance for roof slopes 6:12 or steeper.	To address compatibility, this amendment would apply to R-3/R-4 zoned properties in the south university area located along the R-1 zoning boundary. Two options were provided for consideration. The first option addresses building height by reducing the height by 5 feet for any portion of a building within 50 feet of the R-1 boundary. The second option addresses building mass by requiring a 10 foot property line setback (instead of 5 feet) and a sloped setback along the R-1 boundary (7:12 pitch beginning at a height of 25 feet above grade).	Consider applying citywide Provide transition from all predominately single-family zones, including R-1, S-C Chambers Special Area zone, and S-JW Jefferson Westside Special Area Zone (and possibly others).	Broaden applicability of Option 2 (sloped setback) to R-2, R-3 and R-4 zones city wide	Staff agrees that broader applicability of this concept has merit and recommends this be evaluated as part of a future code amendment package. At this time, such a proposal is beyond the scope intended for this package of amendments, and would also result in a time delay. Additional time would be needed to fully evaluate and consider the implications of applying city wide, to allow for adequate time for public feedback, to send required notice to affected property owners in advance of the planning commission public hearing, and to reschedule the planning commission public hearing.
EC 9.2751(8)	See above.	See above.	None.	Introduced Option 3: Require 10 foot setback and change sloped setback to a 10:12 pitch beginning at a height of 20-feet above grade. Introduced Option 3a: Require 5 foot setback and changed sloped setback to setback to a 10:12 pitch beginning at a height of 20-feet above grade.	Staff supports either 2 or 3a over option 3. Staff does not support option 1.
EC 9.2751(8)	See above.	See above.	Do not require the 10 foot setback when the R-3 or R-4 property abuts an alley. The alley already provides a minimum of a 14 foot setback plus the 5 foot required setback. If the R-1 developed lot is built with the required 5 foot setback to the alley the buildings are now 24 feet apart.	None.	Staff supports addressing this issue by either changing Option 2 to allow for a 5 foot setback from an alley or by recommending Option 3a, which provides for a 5 foot setback from the property line and alley (instead of 10).
EC 9.2751(3)(a)	Except in the south university area, in the R-3 and R-4 zones, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.	No changes proposed.	The phrase “located within 50 feet from the abutting boundary of, or directly across an alley from land zoned R-1” is not clearly written and could be misinterpreted. Change to “located within 50 feet of land zoned R-1 or located within 50 feet of a boundary directly across an alley from land zoned R-1”	None.	Staff does not support changing this existing code language.

Bicycle Parking

Eugene Code Section	Existing Code Provision	Draft Proposal	Public Comment	PC Comments	Staff Comments
EC 9.6105(1)(c) Exemptions from Bicycle Parking Standards	This section identifies the uses exempt from the bicycle parking standards and identifies drive-through only establishments as one of the exempt uses.	No changes proposed.	Drive-through only establishment: Eliminate this exemption, change to provide (1) space min. employee parking. Require short term bicycle parking at coffee kiosks that provide outdoor seating	None.	Staff recommends that a comprehensive review of the bicycle parking standards, consistent with the suggestions in the City’s Draft Pedestrian and Bicycle Master Plan, occur as part of a separate code amendment package that is specifically focused on bicycle parking.
EC 9.6105(2)(b) Bicycle Parking Space Standards	Currently, a 5-foot access aisle is required behind bicycle parking spaces.	Proposed reducing to 4 feet to allow for more flexibility.	Do not reduce access aisle width to 4 feet. Consider increasing to 6, but at a minimum retain 5 feet.	None.	Staff recommends retaining the 5 foot access aisle width, but allowing a 4 foot width for vertical parking. See attached draft proposal.
EC 9.6105(2)(b) Bicycle Parking Space Standards	Provides minimum dimensions for required bicycle parking spaces.	Add minimum dimensions for vertical parking spaces. Clarifies that pie shaped lockers are allowed.	Add dimensions for pie shaped bike parking spaces: at least 9 square feet of floor area, and at least 6 feet long (3 feet at wide end, to a point at far end from door, with same 7 foot height).	None.	Staff recommends adding dimensions for pie-shaped bicycle lockers, and has provided revisions. See attached draft proposal.
EC 9.6105(2)(d) Bicycle Parking Space Standards	The code does not include surfacing requirements for bicycle parking areas.	Adds language to clarify that areas devoted to required bicycle parking must be hard surfaced and that racks and lockers must be anchored to such surfaces.	Add language that parking areas should properly drain (whether it be through grading or permeable pavers) to avoid water pooling around parked bicycles	None.	Staff notes that grading and drainage are not typically addressed in the land use code; rather these are addressed through engineering requirements. Staff recommends that this be considered as part of the comprehensive review of the bicycle parking standards.
EC 9.6105(3) Long Term Bicycle Parking Location and Security	This section addresses bicycle parking location and security, and requires parking to be provided in a well-lighted and secure location.	Proposed changes identify this section as applying only to long term bicycle parking, add “sheltered from precipitation,” clarify that racks within lockable rooms must comply with space requirements, allow for bicycles to be hung for storage and allow parking on upper floors of multi-family developments.	Add language that specifically addresses the consideration of visibility and accessibility due to safety concerns (real or perceived)	None.	Staff recommends that this be considered as part of the comprehensive review of the bicycle parking standards.
EC 9.6105(3)(a) and (b) Long Term Bicycle Parking Location and Security	The term “convenient distance” is included in the location and security standards for long term bicycle parking for all uses.	No changes proposed.	Add language that requires bicycle parking to be a short distance from, or located within, the building where the bicycle parking is needed, to prevent concentration of parking where there are multiple buildings on a property.	Under long term bicycle parking, clarify the meaning of “convenient distance”	Staff recommends that this be considered as part of the comprehensive review of the bicycle parking standards.
EC 9.6105(3) Long Term Bicycle Parking Location and Security	Long term bicycle parking is allowed underground garages provided there is an elevator or ramp	No changes proposed.	Consider allowing long-term bicycle parking in an underground garage provided there is ADA access	None.	Staff added additional clarifying language. See attached draft proposal.
EC 9.6105(3)(a) and (b) Long Term Bicycle Parking Location and Security	Long term bicycle parking is allowed within a lockable garage (for multi-family); a lockable room with racks; a lockable bicycle enclosure; or a bicycle locker.	No changes proposed.	Considering allowing lockable rooms designed for rent or use by a single business tenant or residential household to not need a bike rack installed. If 2 spaces are required for a single unit, allow them to be accommodated in a single lockable room.	None.	For bicycle security reasons, staff does not support this change for commercial, industrial or institutional uses. Staff added language to provide this allowance for residential units.
EC 9.6105(3)(b) Long Term Bicycle Parking Location and	For multi-family developments, the code allows 100 percent of bicycle	For multi-family developments, allow for 50 percent of required bicycle parking to be tipped vertically or hung for storage.	Decrease amount of tipped or hung parking to 25% A maximum of 30% of required parking spaces may	For multi-family developments, reduce allowed percentage of vertical and hung parking to 25%	Because multi-family developments are currently allowed to have 100 percent vertical parking, staff finds that 50 percent is a

Security	parking to be tipped vertically for storage, but does not allow for bicycles to be hung for storage.		be vertical parking spaces. Allow for more than 50% tipped or hung		reasonable compromise.
EC 9.6105(3)(b) Long Term Bicycle Parking Location and Security	The code does not address specific vertical parking types.	No changes proposed.	Consider using language that refers to specific types of vertical parking that provides mechanical assistance that makes such parking accessible to a wider user group.	None.	Staff recommends that this be considered as part of the comprehensive review of the bicycle parking standards.
EC 9.6105(3)(b) Long Term Bicycle Parking Location and Security	For multi-family developments, required bicycle parking must be provided outside the residential unit.	No changes proposed.	Consider allowing long term bicycle parking within multi-family units.	Consider allowing long term bicycle parking within multi-family units.	Staff does not support this change.
EC 9.6105(3)(b) Long Term Bicycle Parking Location and Security	For multi-family developments, bicycle parking must be provided on the ground level.	Allows for bicycle parking on upper floors via an elevator of certain dimension.	Allow for people to carry bikes to second floor units Consider not “required parking needs to be located on specific floors of apartment building”	None.	Staff does not support these changes. Such changes would not be supportive of alternative bike types or of people who are unable to carry bikes up stairs, and could result in bicycle parking located in areas difficult to access.
EC 9.6105(4)(b) Short Term Bicycle Parking Location and Security	The code does not explicitly allow for short term parking in the public right-of-way.	Clarifies that short term bicycle parking is allowed in public right-of-way with a revocable permit.	Support allowing short-term bicycle parking in public right-of-way without need for a revocable permit	None.	Staff does not recommend this change. As the City is responsible for the public right-of-way, the City must have a mechanism to determine if bicycle parking is located in a safe manner, and the ability revoke the allowance if the right-of-way is needed for another use.
EC 9.6105(4)(c) Short Term Bicycle Parking Location and Security	Sheltering of short term bicycle parking is required based on the number of required parking spaces. For 5 or fewer spaces, no shelter is required. For 6-10, 100% of spaces must be sheltered. For 11-29, 50% must be sheltered and for 30 or more, 25% must be sheltered.	Replaces existing table with that suggested by the City’s Draft Pedestrian and Bicycle Master Plan so that for 10 or fewer short term spaces, no sheltering is required and for more than 10 spaces, a minimum of 50% must be sheltered.	Retain the original table Retain existing standards that requires lower percentage of short term bicycle parking to be sheltered when 30 or more spaces are required.	For short term shelter requirements, change threshold from 10 to 5, so that 5 or fewer spaces are not required to be sheltered, but more than 5 spaces requires 50 percent of the spaces to be sheltered.	The proposed table is taken directly from the City’s Draft Pedestrian and Bicycle Master Plan. Staff supports the table as proposed,
Table 9.6105(5) Minimum Required Bicycle Parking Spaces	For multi-family developments, 1 bicycle parking space is required for each dwelling unit.	For multi-family developments in the R-3 and R-4 zones in west and south university, proposes requiring 1 space for each studio, 1 bedroom or 2 bedroom dwelling. For each dwelling with 3 or more bedrooms, 2 bicycle parking spaces are proposed to be required.	The requirement for one additional parking space for multi-family units with 3 or more bedrooms needs to be citywide (rather than specific to the University area) For all multiple family developments, require one bicycle parking space per bedroom. For all multiple-family developments in West and South University, require one bicycle parking space per bedroom. Mimic the car parking methodology, and require 1 bike space for studio, 1 & 2 bedroom unit, and a half	Broaden applicability of multi-family space requirement based on bedrooms to city wide (not just university area)	Staff recommends the draft proposal, as it provides a reasonable increase in an area known to have a high concentration of bicyclists. Staff notes that this does not preclude developers from providing more bicycle parking than required, where needed. Additionally, other parts of the city are not experiencing the same demand to warrant changing to citywide. Staff recommends that this be considered as part of the comprehensive review of the bicycle parking standards.

			space for each additional bedroom. Allow for a 25% reduction as a “right of development” similar to the reduction for cars.		Staff does not recommend adding a 25% reduction, as the intent of these standards is to encourage more bicycle use by providing adequate parking.
Table 9.6105(5) Minimum Required Bicycle Parking Spaces	For multi-family developments, 1 bicycle parking space is required for each dwelling unit. 100% of these spaces must be long term.	As proposed, for multi-family developments in the R-3 and R-4 zones in west and south university, 90% of all required bicycle parking must be long term and 10% must be short term with a minimum of 2 short term spaces.	Require short term parking for all multi-family developments Allow all multiple family developments to provide some short term bicycle parking. Or give the option of providing either 1 space per dwelling with 100% of spaces designed for long-term storage or providing bicycle parking according to the number of bedrooms with the allowance of up to 10% of the required spaces designed as short term.	None.	Staff recommends that this be considered as part of the comprehensive review of the bicycle parking standards.
Table 9.6105(5) Minimum Required Bicycle Parking Spaces	Controlled Income and Rent projects are required to provide 1 bicycle space per dwelling.	No changes proposed.	Controlled Income and Rent: require 2 spaces per dwelling minimum.	None.	Staff recommends that a comprehensive review of the minimum bicycle parking space requirements, consistent with the suggestions in the City’s Draft Pedestrian and Bicycle Master Plan, occur as part of a separate code amendment package that is specifically focused on bicycle parking.
Table 9.6105(5) Minimum Required Bicycle Parking Spaces	Assisted Care facilities serving 5 or fewer people require no bicycle parking spaces. Assisted Care facilities serving 6 or more people require 1 space per 10 employees.	No changes proposed.	For Assisted Care parking, require at least 1 long-term bicycle parking space (instead of no spaces) at smaller facilities and add short term bicycle parking spaces at all facilities regardless of size. Assisted care: Minimum 1-2 for any facility with employees. 2/10 employees above that.	None.	Staff recommends that a comprehensive review of the minimum bicycle parking space requirements, consistent with the suggestions in the City’s Draft Pedestrian and Bicycle Master Plan, occur as part of a separate code amendment package that is specifically focused on bicycle parking.
Table 9.6105(5) Minimum Required Bicycle Parking Spaces	Day Care facilities serving 3 to 12 people require no bicycle parking spaces. Day Care facilities serving 13 or more people require 1 space per 10 employees.	No changes proposed.	For Day Care parking, require at least 1 long-term bicycle parking space (instead of no spaces) at smaller facilities and add short term bicycle parking spaces at all facilities regardless of size. For Day Care: Minimum 1-2 for any facility with employees. 2/10 employees above that.	None.	Staff recommends that a comprehensive review of the minimum bicycle parking space requirements, consistent with the suggestions in the City’s Draft Pedestrian and Bicycle Master Plan, occur as part of a separate code amendment package that is specifically focused on bicycle parking.
			Consider all suggested code changes made in the Draft Pedestrian Bicycle Master Plan.	None.	Staff did review the code changes suggested in the City’s Draft Pedestrian and Bicycle Master Plan when preparing these code amendments. As the focus of this package of code amendments is infill compatibility standards for multi-family developments, staff only selected those suggested changes related to that topic for inclusion.

Other Topics

Eugene Code Section	Existing Code Provision	Public Comment	Staff Comments
EC 9.1200-9.1240	<p>A structure that was legally established but no longer conforms to all development standards of this land use code (such as height or setbacks) is considered a legal nonconforming structure. Notwithstanding development standard requirements in this code, minor repairs and routine maintenance of a legal nonconforming structure are permitted. The continuation of a legal nonconforming structure is subject to the following:</p> <p>(1) A legal nonconforming structure that is damaged to an extent of 50% or more of its replacement cost may be restored only if the damage was not intentionally caused by the property owner and the nonconformity is not increased. Any residential structure(s), including multiple-family, in a residential zone damaged beyond 50% of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, may be reconstructed at the original density provided the reconstruction is commenced within 2 years after the catastrophe.</p> <p>(2) A legal nonconforming structure may be altered to bring the structure closer to compliance with existing regulations, but shall not be altered in a manner that increases its nonconformity.</p> <p>(3) A legal nonconforming structure that is moved loses its nonconforming status and must then conform to all requirements of this land use code.</p>	<p>Add language to allow for structures that would become non-conforming as a result of these amendments to be exempt from non-conforming standards.</p>	<p>It is common for non-conforming structures to be created as a result of new code amendments. For instance, when building heights were changed through the adoption of infill compatibility standards for the south and west university area, any building exceeding those heights no longer complies with the current code. Likewise, when the Walnut Station Special Area zone was adopted, many existing structures were rendered non-conforming. In neither case were the non-conforming standards revised to acknowledge these changes. The current code language acknowledges that non-conforming structures do occur and allows them to remain, but not to become more non-conforming. Staff does not recommend any changes.</p>
EC 9.2735 EC 9.8865	<p>The approval criteria for a zone change to R-1.5 Rowhouse Zone require that the proposal be consistent with the Metro Plan; consistent with applicable adopted refinement plans; have the ability to be served; not exceed the area needed to accommodate up to 8 rowhouse lots; and be located at least 500 feet, as measured along existing street public right-of-way, from any other property zoned R-1.5.</p>	<p>R 1.5 zone changes should only be allowed as part of a Planned Unit Development on lots designated as Low Density Residential</p>	<p>Staff agrees that in light of the Planning Commission’s recent decision denying a zone change to R-1.5 and the Envision Eugene strategies related to providing a range of housing options, the applicability of the R-1.5 Rowhouse zone should be examined. Through Envision Eugene, Opportunity Siting and other projects, staff has received feedback that PUDs for smaller projects are too onerous, serve as a barrier to small scale development, and that a new tool should be considered.</p> <p>Staff recommends a comprehensive look to determine where it is appropriate to site rowhouses in low density residential areas, and that compatibility be addressed through the creation of design standards. Staff does not recommend that the PUD process, in its current form, be the tool by which to approve rowhouses.</p>
EC 9.8865 Zone Change Approval Criteria	<p>The approval criteria for a zone change to R-4 High Density Residential Zone requires that the proposal be consistent with the Metro Plan; be consistent with applicable adopted refinement plans; and that the uses and density that will be allowed by the proposed zoning can be served through the orderly extension of key urban facilities and services.</p>	<p>Zones changes to R-4 should be allowed only: a) in the core downtown area, or b) where explicitly permitted by a refinement plan, or c) by a City Council ordinance that identifies a specific development site or area as appropriate for “dense urban living” with a dwelling density above the maximum density allowed by the “limited high-density” range (i.e., the R-3 zone).</p>	<p>Staff recommends waiting for the outcome of the appeal of recent zone change to the Land Use Board of Appeals before determining if changes are warranted to the application of the R-4 zone.</p>
EC 9.2751(2) Table 9.2750 EC 9.2751(3)	<p>The maximum allowed building height for a detached secondary dwelling unit is 20 feet or 15 feet if the structure is within 20 feet of a property line. As part of the minor code amendments, the method for measuring building height was changed (from mid-point to highest point) and an additional 7’ in height was granted for roof slopes over 6:12 or steeper to make up the average height lost between the two points.</p>	<p>The building height standards for secondary dwelling units are not being applied correctly and the additional 7 feet does not apply.</p>	<p>Staff believes that this standard is being applied correctly. However, staff recommends that this issue be examined and addressed accordingly as part of a future code amendment package related to infill compatibility standards for R-1.</p>

Draft Proposal

Multi-Family Open Space Standards

Proposed new code language in ***bold italics***. Recently added revisions in ***bold italics***. Proposed deleted language in ~~strikeout~~

9.0500 Definitions. As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Balcony. A platform that typically projects from the wall of a building without additional independent supports, surrounded by a railing, balustrade, or parapet for protection, and accessed only from an upper-floor window or door.

9.5500 Multiple-Family Standards.

(9) Open Space. Open space that complies with Table 9.5500(9) and the standards in this subsection (9) shall be provided unless exempt under other provisions of this land use code. ***Required open space may be provided as common open space, or as a combination of common and private open spaces.***

Table 9.5500(9) Open Space Requirements									
Minimum Area Combined Common and Private Open Space The greater area determined by the following percentages for the zone must be provided on the development site. All development sites shall contain a minimum of 400 square feet of Common Open Space. [Note: Moved to (a) below]									
Zone	R-1	R-2	R-3	R-4	C-1	C-2	C-3	GO	Other Non-Residential <i>All Other Zones</i>
Percent of the Development Site	20%	20%	20%	20%	20%	20%	20% <i>N/A</i>	20%	20%
Percent of Liveable Floor Area	25%	25%	15%	15%	25%	15%	15% <i>N/A</i>	15%	15%
Minimum Density for Exemption from Open Space Requirements by Zone									
Zone	R-1	R-2	R-3	R-4	C-1	C-2	C-3	GO	Other Non-Residential <i>All Other Zones</i>
Dwelling Units Per Net Acre	12	23 <i>N/A</i>	45 <i>N/A</i>	90 <i>N/A</i>	23	45	45 <i>N/A</i>	45	45

(a) ***Common Open Space.*** All development sites shall contain a minimum of 400 square feet of ~~Common Open Space~~. ***A minimum of 20-percent of the total provided common open space shall be living plant material.***

1. Common open space may include any of the following:
 - a. ~~Outdoor common open space incorporating any of the following: Outdoor areas incorporating:~~

- ~~1.a.~~ Lawn or hard surfaced areas **to be used for active or passive recreation** in which user amenities such as trees, shrubs, **planters**, pathways, tables, benches or drinking fountains have been placed.
- ~~2.b.~~ Ornamental or food gardens.
- ~~3.c.~~ Developed and equipped adult recreation areas.
- ~~4.d.~~ Developed and equipped children's play areas.
- ~~5.e.~~ Sports courts (tennis, handball, volleyball, etc.).
- ~~6.f.~~ Swimming pools, spas and adjacent patios and decks.
- ~~7.g.~~ Roof terraces.
- ~~8.h.~~ Picnic areas.
- ~~9.i.~~ ~~Covered, but unenclosed, patios~~ Patios.
- 10. Porches with floors no more than 30 inches above grade.**
- ~~11.j.~~ Internal courtyards.

b.2. Common open space may also include up to 30% of the required area in natural resource areas, such as steep slopes greater than 25%, forested areas, conservation areas and delineated wetlands.

c.3. Up to 30% of common open space may be located in indoor recreation areas fitted with game equipment, work-out equipment, court sports facilities, swimming pools, plant greenhouse, wood shop, or other designated project or game equipment, if the facility conforms to the following standards:

- ~~1.a.~~ The minimum area of any single space shall be ~~250~~ **225** square feet, with no dimension being less than 15 feet.
- ~~2.b.~~ Interior common open space shall be at least 10 feet in floor to ceiling height; glazed window and skylight areas shall be provided in the proportion of 1 square foot for each 4 square feet of the floor area of the common space.
- ~~3.c.~~ The space shall be accessible from a common lobby, courtyard or exterior common open space.

2. Outdoor Common Open Space shall comply with all of the following:

- ~~a.4.~~ The minimum area for any **single outdoor** common open space shall be ~~250~~ **225** square feet **and be designed so that a 15-foot by 15-foot square will fit entirely within it.**
- ~~b.5.~~ The minimum dimension for any **portion of outdoor** common ~~outdoor~~ open space **in the front yard setback** shall be 15 feet. **The minimum dimension for any other portion of outdoor common open space shall be 10 feet**
- c. Common outdoor open space must abut a front lot line for a minimum length of 20 percent of the total lot frontage. For lots with frontage on more than one street, only one front lot line must comply with this standard.**
- d. Required setback areas and areas required to comply with perimeter parking lot landscape standards may be**

applied toward the minimum open space requirements when the minimum dimension of such space is 15 feet or greater meets the above standards. [Note: Moved from (c)2. below]
(See Figure 9.5500(9)(a))

3. Outdoor common open spaces shall not be used as parking areas.

- (b) Private Open Space. Private open space is outdoor space directly adjacent to a dwelling unit providing an outdoor area for private use by the occupants *of the dwelling unit. Private open space may be covered, but may not be enclosed.* Private open space, where provided, shall meet the minimum standards in the following Table 9.5500(9)(b).

Table 9.5500(9)(b): Minimum Private Open Space Sizes		
Location	Minimum Area	Minimum Dimension
Ground Level	100 square feet	10 feet
Balcony	None	None
Roof Terrace	100 square feet	8 feet

1. ~~Privacy Requirements.~~ Private open space *provided at ground level* shall be screened or buffered from adjacent *private* open space and dwellings ~~by landscape, fencing or partitions.~~ *Such screening or buffering shall consist of landscaping, fencing or partitions a minimum of 30 inches in height that physically and visually separate the private open spaces.*
 2. ~~Private open space provided as balconies or roof terraces shall be separated from adjacent private open space by walls, screens or partitions. Such walls, screens or partitions shall be a minimum of 42 inches in height.~~
 - 2.3. Private open space *provided at ground level* shall be physically and visually separated from common *outdoor* open space by fence or landscaping meeting the EC 9.6210(2) Low Screen Landscape Standard (L-2).
- (c) Open Space Credit.
- ~~1.~~ An open space credit, not to exceed 25 percent of the total open space requirement, may be applied toward compliance with that requirement, for developments that are located within one-quarter mile of a public park as measured along the route of the shortest existing public way or private street.
 2. ~~Required setback areas and areas required to comply with perimeter parking lot landscape standards may be applied toward the minimum open space requirements when the minimum dimension of such space is 15 feet or greater [Note: Moved to (a)7. above]~~
- (d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, *except for the amount of open space required per Table 9.5500(9), Open Space Requirements*, based on the criteria of EC 9.8030(8)(c).

Adjustment Review

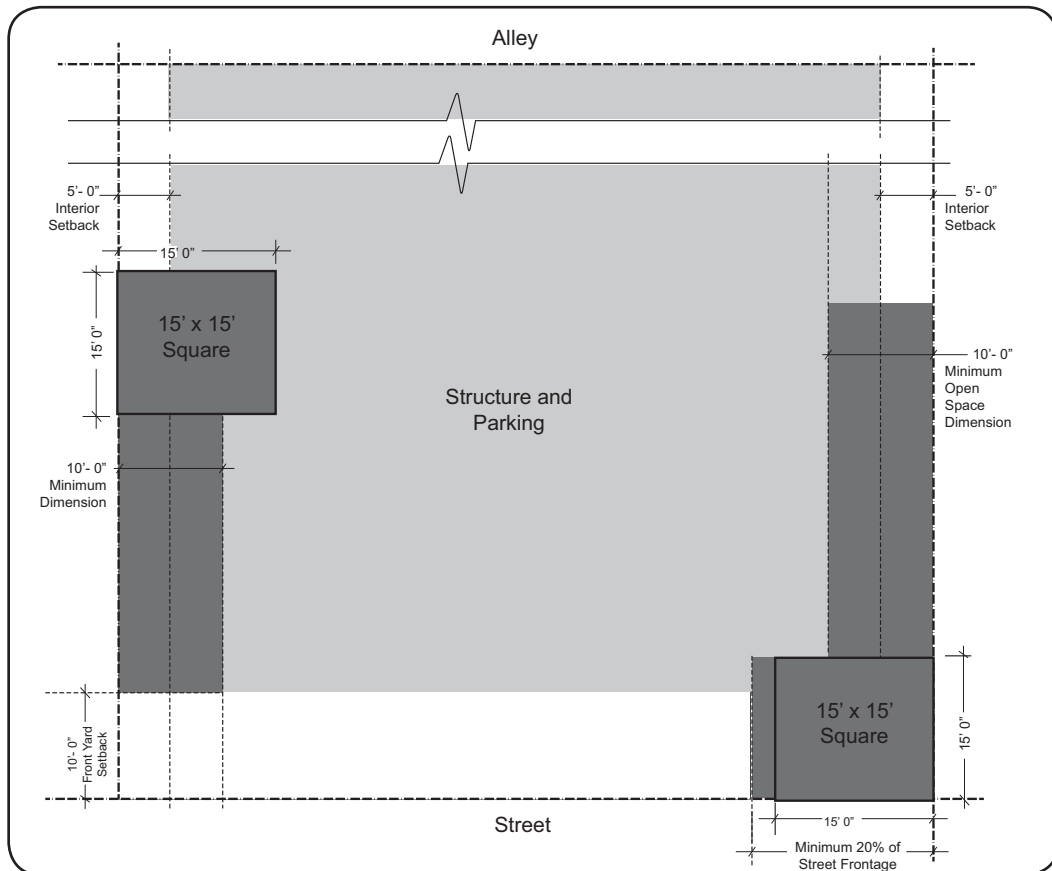
- (8) **Multiple-Family Standards Adjustment.** Where this land use code provides that the multiple-family standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:
- (c) **Open Space.** The requirements set forth in EC 9.5500(9), *except for the amount of open space required per Table 9.5500(9) Open Space Requirements*, may be adjusted *if the applicant demonstrates consistency with all of the following:*
- ~~if the proposal will achieve better overall compliance with the purpose of the open space standards than what would result from strict adherence to the standards.~~
1. *The requested adjustment will allow the project to achieve an equivalent or higher quality design of open space than would result from strict adherence to the standards through:*
 - a. *Enhanced public and private spaces that contribute positively to the site, streetscape, and adjoining properties. Design elements for this purpose may include high quality materials, outdoor seating, enhanced pedestrian space, pedestrian-scaled lighting, canopy trees and other landscape materials and other user amenities; and*
 - b. *An overall site design that promotes safety, security and privacy, and reduces visual, noise, and lighting impacts of development on adjacent properties*
 2. *When abutting single family residential zoned properties (R-1), the design provides an appropriate combination of setbacks, landscaping and screening to buffer between the multiple family development and the adjacent single family zone.*

**Figure
9.5500 (9)(a)**

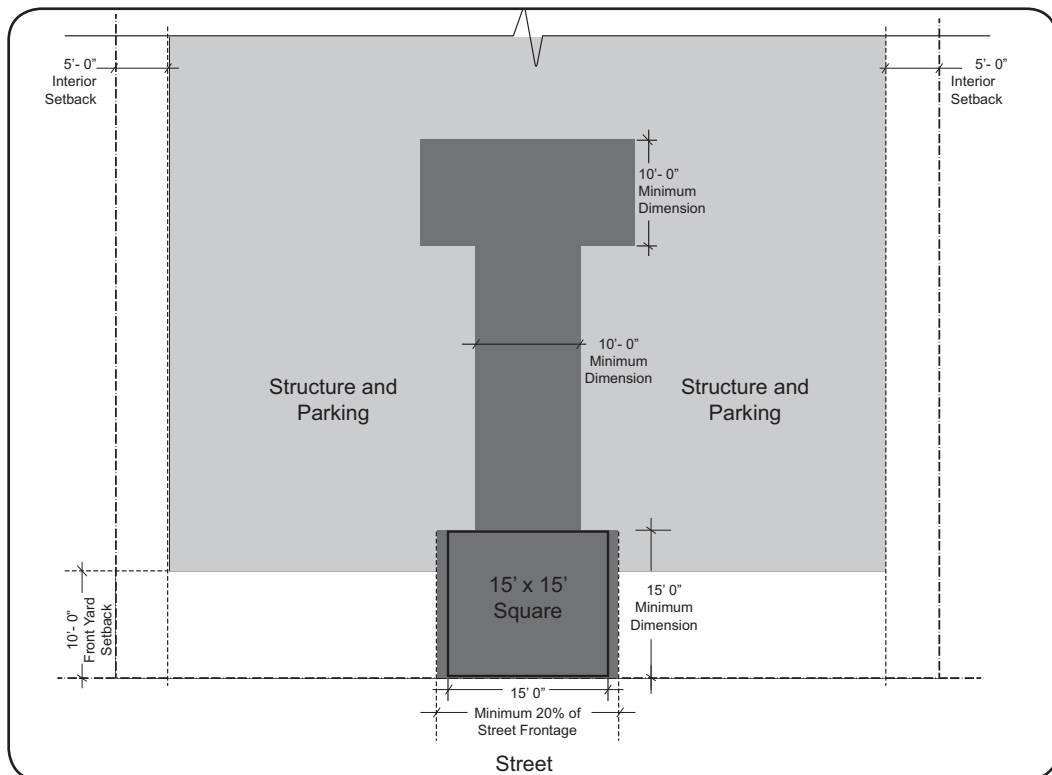
Multi-Family Common Open Space

Example A

 **Open
Space**



Example B



Draft Proposal

Allowed Intrusions within Required Setbacks

Proposed new code language in ***bold italics***. Proposed deleted language in ~~strikeout~~

9.6745 **Setbacks-Intrusions Permitted.**

- (1) **Applicability.** The intrusions permitted in this section are only applicable to standard front and interior yard setback requirements and do not apply to special setbacks required according to EC 9.6750 Special Setback Standards. Intrusions permitted in special setbacks are addressed in EC 9.6750 Special Setback Standards. Except as restricted to provide solar access according to EC 9.2795 Solar Setback Standards, and except where restricted by easements or other restrictions on title, the intrusions in this section may project into required front and interior yard setbacks to the extent and under the conditions and limitations indicated.
- (2) **Depressed Areas.** In any zone, fences, hedges, guard railings or other landscaping or devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required front and interior yard setbacks, provided that such devices are not more than 42 inches in height.
- (3) **Projecting Building Features.**
 - (a) One Story Structures. ***Except as provided in (c) below,*** ~~the~~ the following building features may project into the required front yard setback no more than 5 feet and into the required interior yard setback no more than 2 feet; provided, that such projections are at least 8 feet from any building on an adjacent lot:
 1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
 2. Chimneys, fireplaces, ***bays***, and bay windows provided they do not exceed 8 feet in width. ***The maximum frequency of such bays or bay windows is one per building façade.***
 3. Porches, platforms or landings with roofs which do not extend above the level of the first floor of the building.
 - (b) Multiple Story Structures (2 or more floors). ***Except as provided in (c) below,*** ~~for~~ for multiple-story buildings, portions of buildings that may project into required front yard setbacks no more than 5 feet and into the required interior yard setback no more than 2 feet, provided such projections are at least 8 feet from any building on an adjacent lot, include:
 1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
 2. Chimneys and fireplaces, provided they do not exceed 8 feet in width.
 3. ~~Open porches~~ Porches no deeper than 10 feet and no higher than 15 feet ***measured from grade*** may project into required ~~yards that abut streets~~ ***front yard setbacks***.
 4. Bays ***and bay windows*** no greater than 3 feet deep and 10 feet ~~long~~ ***in width*** and no higher than 25 feet ***measured from the exterior***

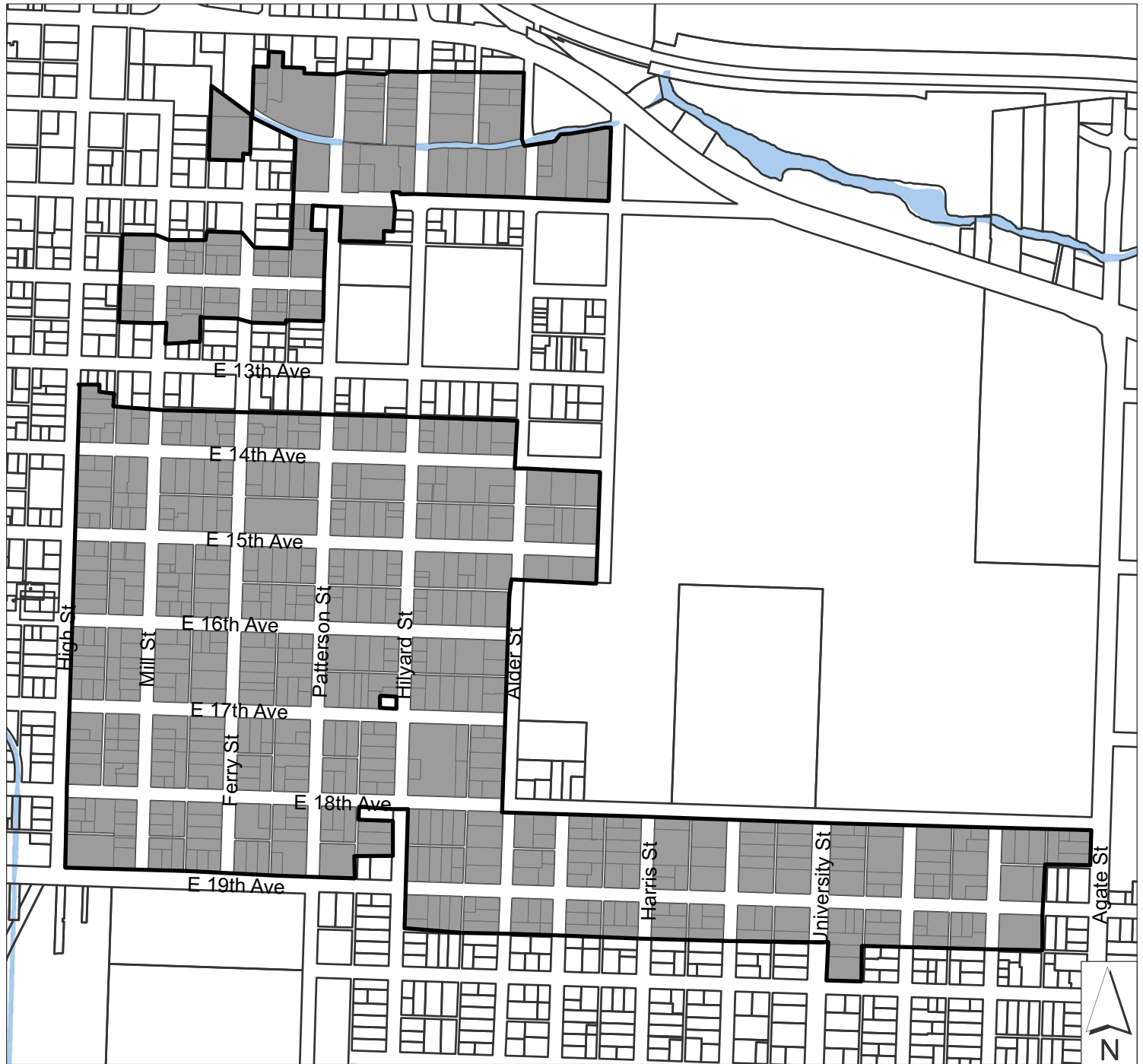
base of the bay or bay window to the peak of the bay or bay window may project into required *front yard setbacks* yards that ~~abut streets~~. The maximum frequency of such bays is one bay per 15 feet of *street facing building façade* ~~street frontage~~.

5. *Bays and bay windows no greater than 8 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required interior yard setbacks along a public alley. The maximum frequency of such bays is one bay per 15 feet of alley facing building façade.*
- ~~56. Balconies with a maximum depth of 10 feet are permitted to project into required *front* yards *setbacks* that abut streets.~~
- ~~6. Bay windows cantilevered from the first floor, provided they do not exceed 8 feet in width.~~

(c) *For all multi-family developments and for development in the area identified in Map 9.2751(14) University Area Multi-Family Housing, portions of buildings that may project into required front yard setbacks no more than 5 feet and into the required interior yard setback no more than 2 feet, provided such projections are at least 8 feet from any building on an adjacent lot, include:*

1. *Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.*
2. *Chimneys and fireplaces, provided they do not exceed 8 feet in width.*
3. *Porches no less than 6 feet in depth and no higher than 15 feet measured from grade may project into required front yard setbacks.*
4. *Bays and bay windows no greater than 3 feet deep and 8 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required front yard setbacks. The maximum frequency of such bays is one bay per 15 feet of street facing building façade. Bays shall not include doors.*
5. *Bays and bay windows no greater than 8 feet in width and no higher than 25 feet measured from the exterior base of the bay or bay window to the peak of the bay or bay window may project into required interior yard setbacks along a public alley. The maximum frequency of such bays is one bay per 15 feet of alley facing building façade. Bays shall not include doors.*
6. *Balconies with a maximum depth of 10 feet are permitted to project into required front yard setbacks.*
7. *The maximum length of all porches, bays, bay windows, and balconies intruding in the required front yard front setback is limited to no more than 50 percent of the length of the street facing building façade on each floor.*

Map 9.2751(14) University Area Multi-Family Zoning



Draft Proposal

Driveways and Parking Areas in University Area Multi-Family Zones

Proposed new code language in ***bold italics***. Recently added revisions in ***bold italics***. Proposed deleted language in ~~strikeout~~.

9.2750 Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Fences (13)					
(Maximum Height Within Interior Yard Setbacks)	6 feet	42 inches	6 feet	6 feet	6 feet
(Maximum Height within Front Yard Setbacks)	42 inches	42 inches	42 inches	42 inches	42 inches
<i>Driveways and Parking Areas (14)</i>					
	-	-	-	<i>See (14)</i>	<i>(See 14)</i>

9.2751 Special Development Standards for Table 9.2750.

- (14) Driveways and Parking Areas in R-3 and R-4 in University Area. The following standards apply when new dwellings or new parking areas are created on lots identified on Map 9.2751(14) University Area Multi-Family Zoning, except for development subject to the Multi-Family Development standards at EC 9.5500. In that case, the standards at EC 9.5500 apply. ~~Except for development subject to the Multi-Family Development standards at EC 9.5500 or the Parking Area Standards at EC 9.6420(3)(a)1., the following standards apply when new dwellings or new parking areas are created on lots identified on Map 9.2751(14) University Area Multi-Family Zoning. These standards do not apply to driveways or parking areas accessed from an alley abutting the lot.~~***
- (a) Except for corner lots, no more than one driveway shall be provided per lot as a means to provide onsite parking. For corner lots, one driveway on each street frontage may be provided if allowed per EC 9.6735.***
 - (b) Shared driveways may be provided if allowed under Chapter 7 of this code. When shared driveways are provided, no additional driveways are permitted on that street frontage for either property.***
 - (c) Except for a driveway shared by two adjoining properties ~~or a driveway off an alley~~, no driveway or associated parking shall be located in an interior yard setback.***
 - (d) A driveway and associated parking may be located between any structure and the street.***

- (e) *When a driveway and associated parking is provided between the structure and the street or beside the structure, it shall be perpendicular to the adjacent street and shall not lead to other parking areas or vehicle use areas.*
- (f) *Except for shared driveways, the driveway and associated parking shall not exceed 22 feet in width. Shared driveways shall not exceed 24 feet in width.*
- (g) *When a driveway and associated parking is provided between the structure and the street or beside the structure, it shall be a minimum of 20 feet in depth and a maximum of 33 feet in depth, measured from the front lot line.*
- (h) *When parking is provided behind a structure, a driveway shall be perpendicular to the adjacent street until it serves the associated parking area.*
- (i) *All portions of required front yard setbacks not otherwise covered by a legal driveway shall be landscaped and maintained with living plant material, except that a pedestrian path, not to exceed 4 feet in width, may be allowed from the sidewalk to the entrance of a dwelling. The pedestrian path shall be separated from any vehicle use areas by living plant material.*
- (j) *No parking shall occur in the landscaped portion of the required front yard setback.*
(See Figure 9.2751(14))

9.6745 Setbacks-Intrusions Permitted.

- (6) **Driveways.** In any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall be permitted, together with any appropriate traffic control devices, in any required setback, *except as provided in EC 9.2751(14).*
- (7) **Parking Spaces in Required Setbacks.**
 - (a) In areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, *except as provided in EC 9.2751(14)*, parking in required front and interior yard setbacks is permitted with the following restrictions:
 - 1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
 - 2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained.
 - 3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
 - 4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.
 - (b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

Map 9.2751(14)

University Area Multi-Family Zoning

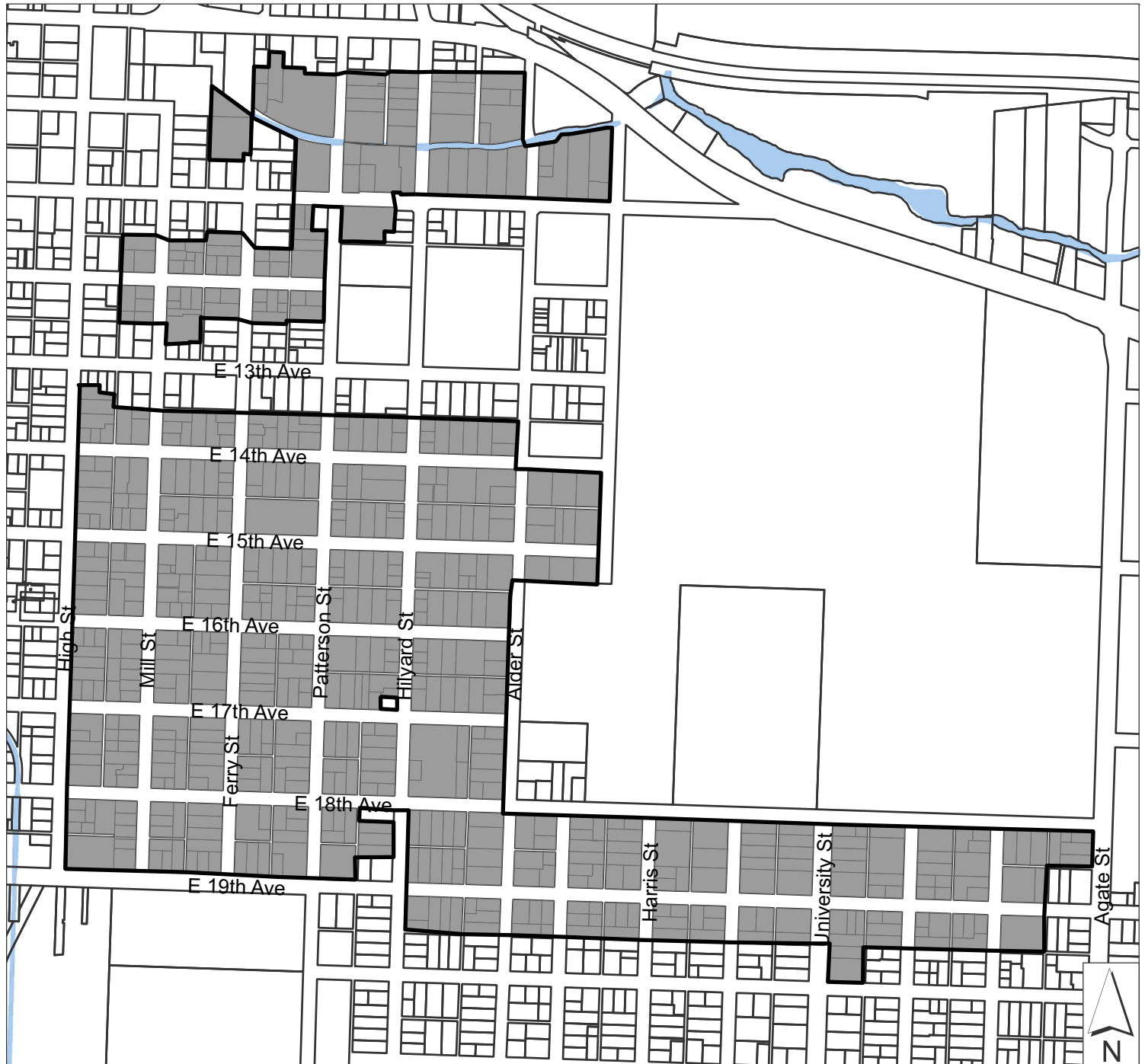
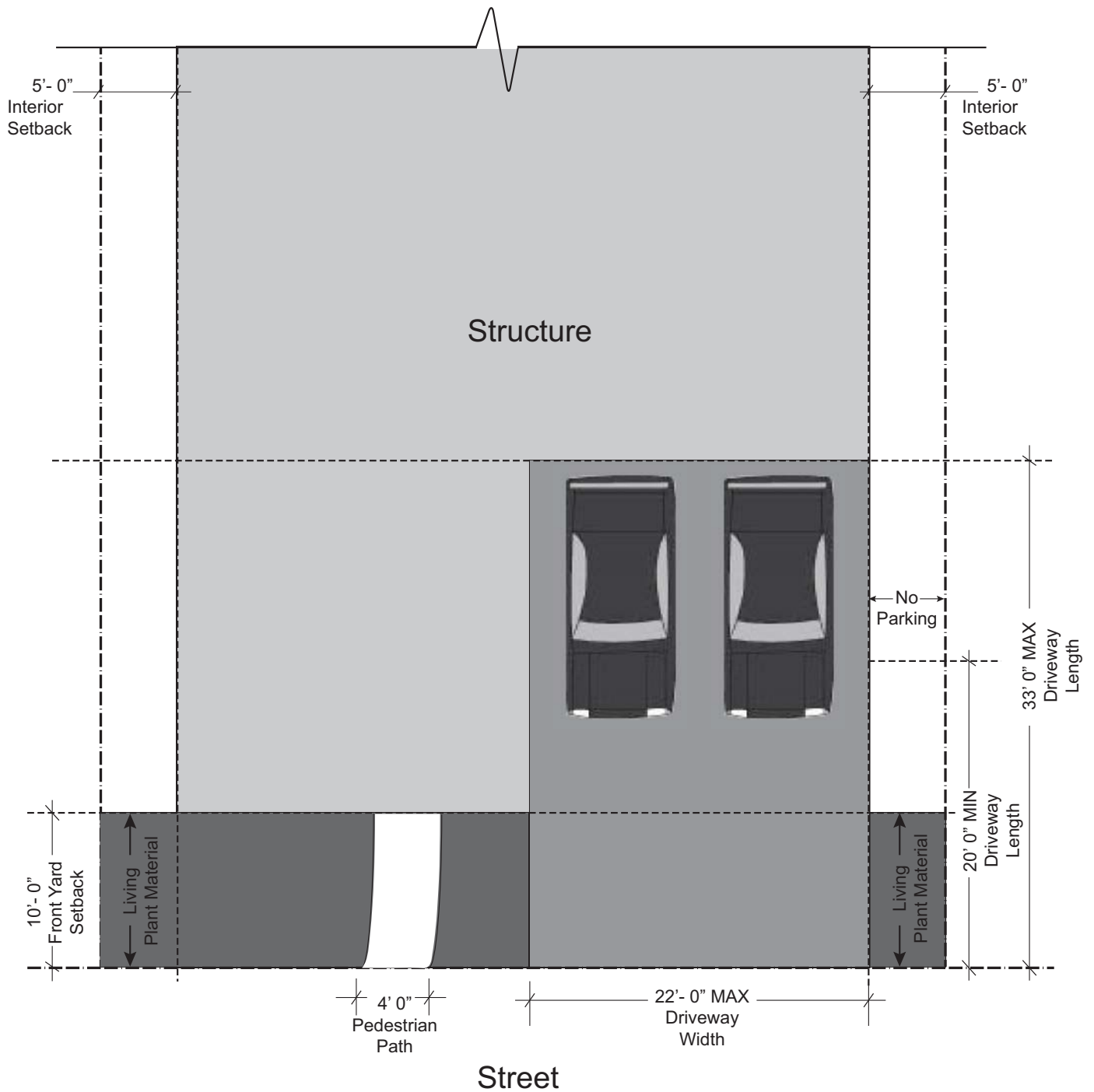


Figure
9.2751 (14)

Driveways and Parking Areas in R-3 and R-4 in University Area



Draft Proposal

Recycling and Garbage Screening for University Area Multiple-Family Developments

Proposed new code language in ***bold italics***. Proposed deleted language in ~~strikeout~~

9.5500 **Multiple-Family Standards.**

(14) **Recycling and Garbage Areas.**

- (a) Multiple-family developments shall provide recycling facilities that meet EC 9.5650 Recycling - Small Collection Facility Standards.
- (b) *Except for multiple-family developments in the area identified on Map 9.2751(14) University Area Multi-Family Zoning, and screening for outdoor storage areas and garbage collection areas shall be provided according to EC 9.6740 Recycling and Garbage Screening.*
- (c) *For multiple-family developments in the area identified on Map 9.2751(14) University Area Multi-Family Zoning, outdoor storage areas and refuse collection areas shall be screened on all sides so that materials stored within these areas shall not be fully visible from streets, accessways, or adjacent properties. Such uses shall not be permitted within required front yard setbacks or required landscaping areas. Required screening shall include the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet that are a minimum of 50 percent site-obscuring on the pedestrian entrance side of the enclosure and 100 percent site-obscuring on the remaining sides. Fences may be made of wood, metal, masonry, or other permanent materials*

9.5650 **Recycling-Small Collection Facility Standards.** A small collection recycling facility may provide source separated collection of recyclable materials more particularly described in Chapter 3 of this code and adopted administrative rules, subject to the following standards:

- (1) **Collection Containers:** Collection containers shall be in compliance with the requirements for size, color and type in administrative rules adopted under Chapter 3 of this code. If containers provide an opening to the elements of greater than 2 square feet they must be situated under a covered structure and enclosed on 3 sides in order to protect users from the elements, minimize blowing debris, and meet requirements of the State Structural Specialty Code.
- (2) **Sites:** Shall be kept neat and clean.
- (3) **Signage:** Appropriate signage shall be placed at the site that conform to regulations in this land use code. Signs shall include the name and telephone number of the party responsible for collection at the site, preparation standards for materials collected at the site, and scheduled collection times.
- (4) **Traffic Circulation and Vision Clearance:** The collection center's location, donated materials storage, or any other activities associated with the use shall not impede traffic circulation and vision clearance.
- (5) **Public Right-of-Way:** Collection centers shall not be located in the public right-of-way.

9.6740 **Recycling and Garbage Screening.** Except for one- and two-family dwellings *and multiple-family developments in the area identified on Map 9.2751(14) University Area Multi-Family Zoning*, outdoor storage areas and refuse collection areas within or adjacent to vehicular use areas shall be screened on all sides so that materials stored within these areas shall not be visible from streets, accessways, or adjacent properties. Such uses shall not be permitted within required landscaping areas. Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).

9.6210(6) Full Screen Fence Landscape Standard (L-6).

- (a) **Required Materials.** Full Screen Fence Landscape Standard (L-6) requires the installation and maintenance of fences at least 6 feet high with a maximum height of 8 feet that are 100 percent site-obscuring. Fences may be made of wood, metal, masonry or other permanent materials. **(See Figure 9.6210(6) Full Screen Fence Landscape (L-6).)**
- (b) **Criteria for Adjustment.** This standard may be adjusted if consistent with the criteria of EC 9.8030(3)(g).

Map 9.2751(14)

University Area Multi-Family Zoning



Draft Proposal

Compatible Transition between R-1 and R-3/R-4 zones in South University Area

Proposed new code language in ***bold italics***. Recently added revisions in ***bold italics***. Proposed deleted language in ~~strikeout~~

Four different options have been suggested to provide a compatible transition between the single-family housing in the R-1 Low Density Residential zone and the higher density housing in the adjacent R-3 Limited High Density Residential and R-4 High Density Residential zones and would apply to the R-3 and R-4 zoned properties within the areas described below.

Option 1: Address building height by reducing height by 5 feet for any portion of building within 50 feet of R-1 zone

9.2751 Special Development Standards for Table 9.2750.

(3) **Building Height.**

- (a) ~~Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.~~
- (b) ***Except as provided in (a) above, for that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:***
 - 1. In the R-3 zone between 19th and 20th Avenues, the maximum building height is 35 feet.
 - 2. In the R-4 zone west of Hilyard Street, the maximum building height is 65 feet.
 - 3. In the R-4 zone east of Hilyard Street, the maximum building height is:
 - a. 35 feet within the area south of 19th Avenue;
 - b. 50 feet within the half block abutting the north side of 19th Avenue;
 - c. 65 feet within the half block abutting the south side of 18th Avenue.

(See Figure 9.2751(3)).
- (c) For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south the maximum building height is 65 feet.
(See Figure 9.2751(3)).
- (d) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, R-3 and R-4 zones.

Option 2: Address Building Mass by increasing required interior yard setback from R-1 zone boundary from 5 to 10 feet and requiring sloped setback of 7:12 from R-1 boundary

9.2750 Residential Zone Development Standards. In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

Table 9.2750 Residential Zone Development Standards (See EC 9.2751 Special Development Standards for Table 9.2750.)					
	R-1	R-1.5	R-2	R-3	R-4
Minimum Building Setbacks (2),(4),(6),(8),(9-10),(11)					
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (14-2)	18 feet	--	18 feet	18 feet	18 feet
Interior Yard Setback (excluding education, government and religious uses and buildings located on Flag Lots in R-1 created after December 25, 2002)(7)(8)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in R-1 Created After December 25, 2002 (See EC 9.2775(5)(b))	10 feet	—	—	—	--

9.2751 Special Development Standards for Table 9.2750.

(8) *The following applies to those R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19th Avenue to the north and East 20th Avenue to the south and that are abutting or across an alley from R-1 zoned property. For those properties, the interior yard setback shall be at least 10 feet from the property line abutting or across an alley from an R-1 zoned property. In addition, at a point that is 25 feet above finished grade, the setback shall slope at the rate of 7 inches vertically for every 12 inches horizontally away from the property line abutting, or across an alley from, an R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b). Eaves and chimneys are the only allowable intrusions within this setback. (See Figure 9.2751(8))*

(89) *[renumber the remainder of the section]*

Option 3: Address Building Mass by increasing required interior yard setback from R-1 zone boundary from 5 to 10 feet and requiring sloped setback of 10:12 from R-1 boundary

9.2751 Special Development Standards for Table 9.2750.

- (8) The following applies to those R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19th Avenue to the north and East 20th Avenue to the south and that are abutting or across an alley from R-1 zoned property. For those properties, the interior yard setback shall be at least 10 feet from the property line abutting or across an alley from an R-1 zoned property. In addition, at a point that is 20 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line abutting, or across an alley from, an R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b). Eaves and chimneys are the only allowable intrusions within this setback. (See Figure 9.2751(8))*
- (89) [renumber the remainder of the section]*

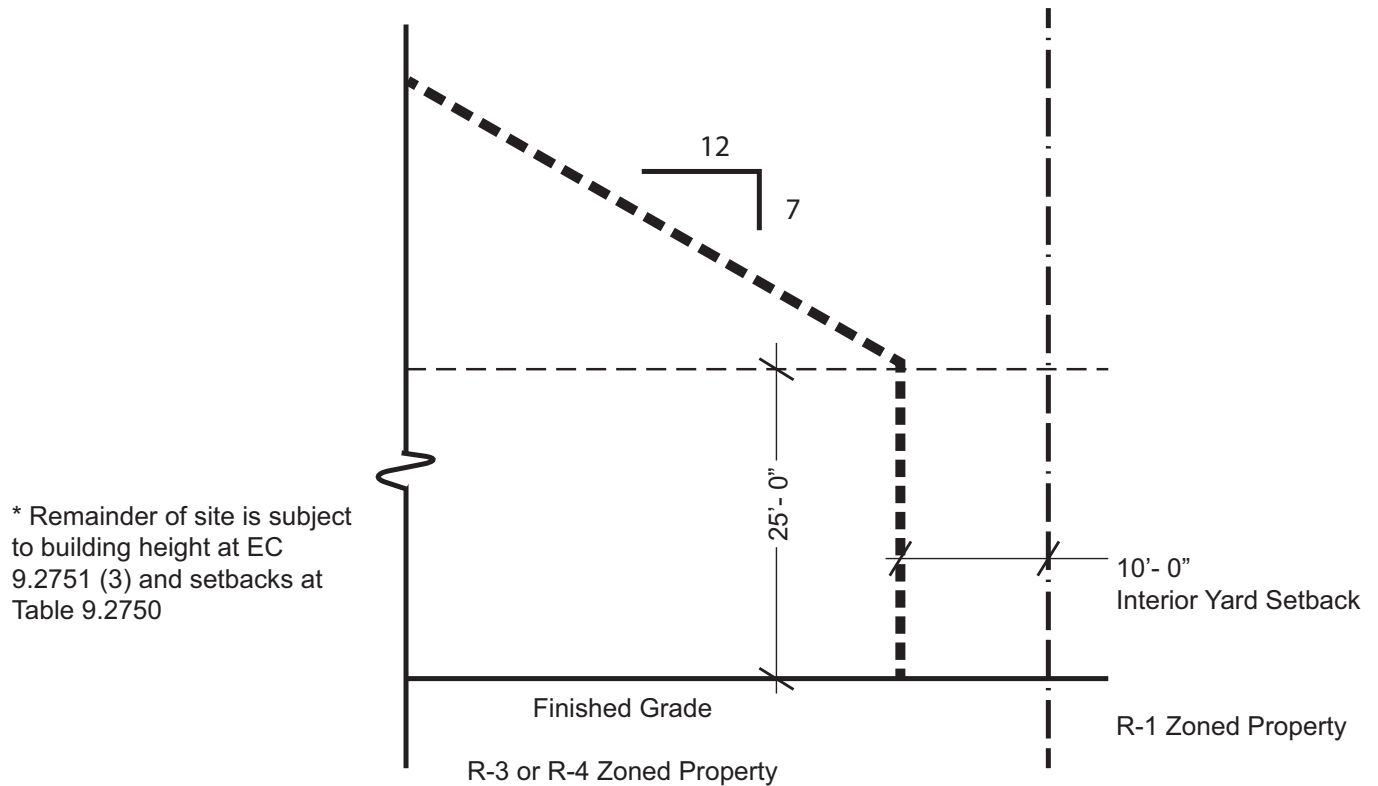
Option 3a: Address Building Mass by requiring sloped setback of 10:12 from R-1 boundary

9.2751 Special Development Standards for Table 9.2750.

- (8) The following applies to those R-3 and R-4 zoned properties located in the area bound by Hilyard Street to the west, Agate Street to the east, East 19th Avenue to the north and East 20th Avenue to the south and that are abutting or across an alley from R-1 zoned property. For those properties, the interior yard setback shall be at least 5 feet from the property line abutting or across an alley from an R-1 zoned property. In addition, at a point that is 20 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line abutting, or across an alley from, an R-1 zoned property until a point not to exceed allowable building height at EC 9.2751(3)(b). Eaves and chimneys are the only allowable intrusions within this setback. (See Figure 9.2751(8))*
- (89) [renumber the remainder of the section]*

Figure
9.2751 (8)

Interior Yard Setbacks in R-3 and R-4 in South University



Draft Proposal

Bicycle Parking Standards

Proposed new code language in ***bold italics***. Recently added revisions in ***bold italics***. Proposed deleted language in ~~strikeout~~

9.6100 Purpose of Bicycle Parking Standards. Sections 9.6100 through 9.6110 set forth requirements for off-street bicycle parking areas based on the use and location of the property. Bicycle parking standards are intended to provide safe, convenient, and attractive areas for the circulation and parking of bicycles that encourage the use of alternative modes of transportation. Long-term bicycle parking space requirements are intended to accommodate employees, students, residents, commuters, and other persons who expect to leave their bicycle parked for more than 2 hours. Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately 2 hours.

9.6105 Bicycle Parking Standards.

(1) Exemptions from Bicycle Parking Standards. The following are exempt from the bicycle parking standards of this section:

- (a) Site improvements that do not include bicycle parking improvements.
- (b) Building alterations.
- (c) Drive-through only establishments.
- (d) Temporary activities as defined in EC 9.5800 Temporary Activity Special Development Standards.
- (e) Bicycle parking at Autzen Stadium Complex (see EC 9.6105(5) Autzen Stadium Complex Bicycle Parking Standards).

(2) Bicycle Parking Space Standards.

- (a) The required ***number of bicycle parking*** spaces for each use category are listed in EC 9.6105(45) Minimum Required Bicycle Parking Spaces. *[Note: Moved up from (3)(a) below]*. A minimum of 4 bicycle parking spaces shall be provided at each development site, ***unless no spaces are required by Table 9.6105(5)***.
- (b) Bicycle parking spaces required by this land use code shall comply with the following:
 1. ***Perpendicular or diagonal spaces*** shall be at least 6 feet long and 2 feet wide with an overhead clearance of at least 7 feet, and with a 5 foot access aisle. This minimum required width for a bicycle parking space may be reduced to 18" if designed using a hoop rack according to ***Figure 9.6105(2) Bicycle Parking Standards***. *[Note: Figure to be refined accordingly]* ~~Bicycles may be tipped vertically for storage, but not hung above the floor. Bicycle parking shall be provided at ground level unless an elevator is easily accessible to an approved bicycle storage area. [Note: Moved to (3) below and revised]~~
 2. ***Vertical or tipped parking spaces shall be at least 2 feet wide, 4 feet deep, and no higher than 6 feet, and with a 4 foot access aisle.***
 3. ***Except pie-shaped lockers, bicycle lockers shall be at least 6***

feet long, 2 feet wide and 4 feet high, and with a 5 foot access aisle.

4. **Pie-shaped bicycle lockers shall be at least 6 feet long, 3 feet wide at the widest end, and 4 feet high, and a 5 foot access aisle.**

~~(c) All required long term bicycle parking spaces shall be sheltered from precipitation. Shelters for short term bicycle parking shall be provided in the amounts shown in Table 9.6105(2)(c) Required Sheltered Bicycle Parking Spaces. [Note: Moved to (4)(c) below and revised]~~

Table 9.6105(2)(c) Required Sheltered Bicycle Parking Spaces	
Short Term Bicycle Parking Requirement	Percentage of Sheltered Spaces
5 or fewer	No shelter required
6 to 10	100% of spaces sheltered
11 to 20	50% of spaces sheltered
30 or more	25% of spaces sheltered

- (c) **With the exception of individual bicycle lockers or enclosures,** long term and short term bicycle parking shall consist of securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device. *[Note: Moved from under short term (previously (3)(b)) and revised to include long term]*

- (d) **Areas devoted to required bicycle parking spaces shall be hard surfaced with concrete, compacted asphaltic concrete mix, pavers or an approved equivalent. All racks and lockers shall be securely anchored to such surface.**

- ~~(e)~~ Direct access from the bicycle parking area to the public right-of-way shall be provided with access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance.

(3) **Long Term Bicycle Parking Location and Security.**

- (a) Long term bicycle parking required in association with a commercial, industrial, or institutional use shall be provided in a well-lighted, secure location, **sheltered from precipitation and** within a convenient distance of a main entrance. A secure location is defined as one in which the bicycle parking is:
 1. A bicycle locker,
 2. A lockable bicycle enclosure, **or**
 3. Provided within a lockable room **with racks complying with space standards at EC 9.6105(2).** ~~or~~
 - ~~4. Clearly visible from, and within 30 feet of the employee's work station.~~

Bicycles may be tipped vertically for storage, but not hung above the floor.

- (b) Long term bicycle parking required in association with a multiple-family residential use shall be provided in a well-lighted, secure ~~ground level~~ location, ***sheltered from precipitation, and*** within a convenient distance of an entrance to the residential unit. A secure location is defined as one in which the bicycle parking is provided outside the residential unit within:
- ~~1. a~~ **A lockable** garage,
 - ~~2. a~~ **A lockable room *serving multiple dwelling units with racks complying with space standards at EC 9.6105(2),***
 - A lockable room *serving only one dwelling unit,***
 - ~~4. a~~ **A lockable bicycle enclosure, or**
 - ~~5. a~~ **A bicycle locker.**

Bicycles may be tipped vertically ***or hung above the floor*** for storage, ~~but not hung for storage.~~ ***Up to 50 percent of required bicycle parking may be tipped vertically or hung for storage in association with multiple-family residential uses.***

~~Bicycle parking provided in outdoor locations shall not be farther than the closest automobile parking space (except disabled parking). [Note: Moved to (4)(a) below and revised]~~

- (c) ***Long term bicycle parking shall be provided at ground level unless an elevator with a minimum depth or width of 6 feet or ramp is easily accessible to an approved bicycle parking area. If bicycle parking is provided on upper floors, the number of required spaces provided on each floor cannot exceed the number of spaces required for the use on that floor as per Table 9.6105(5).***

(4) Short Term Bicycle Parking Location and Security

~~(b) Short term bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels, frame, or components and that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device. [Note: Moved to (2)c. above and revised to include long term] The required spaces for each use category are listed in EC 9.6105(4) Minimum Required Bicycle Parking Spaces. [Note: Moved to (2)(a) above]~~

- (a) Short term bicycle parking shall be provided:
- Outside a building;***
 - At the same grade as the sidewalk or at a location that can be reached by an accessible route; and***
 - Within a convenient distance of, and clearly visible from the main entrance to the building as determined by the city, but it shall not be farther than the closest automobile parking space (except disabled parking).***
- (b) ***Short term bicycle parking may project into or be located within a public right-of-way. The city shall have the right to require a revocable permit under Chapter 7 of this code.***
- (c) ***Shelters for short term bicycle parking shall be provided as follows:***

1. *If 10 or fewer short term bicycle parking spaces are required, no shelter is required.*
2. *If more than 10 short term bicycle parking spaces are required, a minimum of 50 percent of the spaces must be sheltered.*

(45) Minimum Required Bicycle Parking Spaces. The minimum required number of bicycle parking spaces shall be calculated according to Table 9.6105(45) Minimum Required Bicycle Parking Spaces.

Table 9.6105(45) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)	Type and % of Bicycle Parking
Residential		
One-Family Dwelling	-0-	NA
Secondary Dwelling (Either attached or detached from primary one-family dwelling on same lot)	-0-	NA
Rowhouse (One-Family on own lot attached to adjacent residence on separate lot with garage or carport access to the rear of the lot)	-0-	NA
Duplex (Two-Family attached on same lot)	-0-	NA
Triplex (Three-Family attached on same lot)	1 per dwelling.	100 % long term
Four-Plexes (Four-Family attached on same lot)	1 per dwelling.	100 % long term
Multiple-Family (3 or more dwellings on same lot) <i>not specifically addressed elsewhere in this table</i>	1 per dwelling.	100% long term
<i>Multiple-Family in the R-3 and R-4 zones within the boundaries of the City recognized West University Neighbors and South University Neighborhood Association</i>	<i>1 space for each studio, 1 bedroom or 2 bedroom dwelling. 2 spaces for each dwelling with 3 or more bedrooms.</i>	<i>90% long term 10% short term with a minimum of 2 short term spaces</i>
Manufactured Home Park	-0-	NA
Controlled Income and Rent Housing where density is above that usually permitted in the zoning yet not to exceed 150%	1 per dwelling.	100% long term
Assisted Care & Day Care		
-- Assisted Care (5 or fewer people living in facility and 3 or fewer outside employees on site at any one time)	-0-	NA
-- Assisted Care (6 or more people living in facility)	1 per 10 employees	100% long term
-- Day Care (3 - 12 people served)	-0-	NA

Table 9.6105(45) Minimum Required Bicycle Parking Spaces		
Uses	Required Bicycle Parking (Minimum 4 bicycle spaces required unless -0- is indicated.)	Type and % of Bicycle Parking
-- Day Care (13 or more people served)	1 per 10 employees	100% long term
Rooms for Rent		
-- Boarding and Rooming House	1 per guest room.	100% long term
-- Campus Living Organizations, including Fraternities and Sororities	1 for each 2 occupants for which sleeping facilities are provided.	100% long term
-- Single Room Occupancy	1 per dwelling (4 single rooms are equal to 1 dwelling).	100% long term
-- University and College Dormitories	1 for each 2 occupants for which sleeping facilities are provided.	100% long term

